

In the Matter of

Case No.: 1:22-cv-1032 (PKC) (JRC)

IME WATCHDOG, INC.

v.

GELARDI, et al.

Continued Exam of Safa Abdulrahim Gelardi

Friday, February 3, 2023



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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
Case No.: 1:22-cv-1032 (PKC) (JRC)

-----X

IME WATCHDOG, INC.,

Plaintiff,

-against-

SAFA ABDULRAHIM GELARDI, VITO GELARDI,
GREGORY ELEFTERAKIS, ROMAN POLLAK,
ANTHONY BRIDDA, NICHOLAS ELEFTERAKIS,
NICHOLAS LIAKIS, and IME COMPANIONS LLC,

Defendants.

-----X

3000 Marcus Avenue
Lake Success, New York
February 3, 2023
10:31 a.m.

Continued Video Examination before Trial of
DEFENDANT, SAFA ABDULRAHIM GELARDI, held
pursuant to Notice, held at the above-mentioned
time and place, before Ruthayn Shalom, a Notary
Public of the State of New York.

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ALSO PRESENT:

Carlos Roa
Vito Gelardi
Rich Morales, Videographer

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2 IT IS HEREBY STIPULATED AND AGREED, by
3 and between the attorneys for the respective
4 parties hereto, that this examination may be
5 sworn to before any Notary Public.

6
7 IT IS FURTHER STIPULATED AND AGREED that
8 the sealing and filing of the said examination
9 shall be waived.

10
11 IT IS FURTHER STIPULATED AND AGREED that
12 all objections to questions except as to form
13 shall be reserved for trial.

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S. Abdulrahim Gelardi

S A F A A B D U L R A H I M G E L A R D I,
a Defendant, having been first duly sworn by
Ruthayn Shalom, a Notary Public of the State of
New York, and stating her address as 148
Claypit Road, Staten Island, New York 10309,
10309, was examined and testified as follows:

JUDGE CHO: Hello, good morning.

MR. KATAEV: Good morning, your Honor.

MR. WARNER: Good morning, your Honor.

JUDGE CHO: All right. I guess there is
another dispute. Can you send the deponent out
of the room?

MR. KATAEV: Sure.

(Whereupon, the deponent left the room.)

MR. KATAEV: Your Honor, the deponent is
out of the room.

JUDGE CHO: You're recording this
conversation?

MR. KATAEV: With the court reporter,
correct, stenographically.

JUDGE CHO: Okay, good. All right. Let
me call the case.

All right, good morning, everyone. We are
here for a conference in IME Watchdog versus

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10:32:26

Gelardi, Case Number 22-CV-1032. I'm Judge

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10:32:29

Cho. Who do we have present today?

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10:32:33

MR. KATAEV: For the Plaintiff,

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10:32:34

your Honor, Emanuel Kataev of Milman Labuda Law

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10:32:34

Group, PLLC and Jamie Felsen.

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10:32:39

MR. WARNER: For the Defendants, Jonathan

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10:32:40

Warner of Warner & Scheuerman, your Honor.

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10:32:44

MR. SHALIT: For Third-party Defendant

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10:32:45

Carlos Roa, Leo Shalit, good morning,

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10:32:46

your Honor.

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10:32:48

JUDGE CHO: Good morning. All right,

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10:32:48

Mr. Kataev, what is the issue?

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10:32:52

MR. KATAEV: Your Honor, the issue is that

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10:32:54

Ms. Gelardi is a very important witness and we

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10:32:57

are seeking an application to -- for good cause

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10:33:01

to get an additional seven hours of testimony

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10:33:05

time. In an effort to avoid motion practice

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10:33:09

with the Court and calling the Court, we did

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offer to the Defendants to spend the rest of

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the day completing her deposition.

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10:33:16

Yesterday, there was only five and a half

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hours of testimonial time. We do have one and

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10:33:21

a half hours left and we submitted that if we

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10:33:21

start today and finish today at 5:00, we would

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2 10:33:25 not seek a full seven hours. However, we are
3 10:33:28 entitled to a full seven hours and there is
4 10:33:30 case law supporting our request.

5 10:33:33 The key case that talks about this issue
6 10:33:35 is Amley v. Sumitomo Mitsui Banking Corp. It
7 10:33:42 is 2021 WL22060. In that case, the defendant's
8 10:33:48 request for a plaintiff in an employment
9 10:33:51 discrimination case to be available for two
10 10:33:55 days of depositions totaling 14 hours based on
11 10:33:57 the fact that that plaintiff was a very key
12 10:34:00 witness in the case, which was hotly contested
13 10:34:01 like this case, was granted and so in addition,
14 10:34:07 Rule 30(d)(1) of the Federal Rules of Civil
15 10:34:10 Procedure --

16 10:34:12 JUDGE CHO: Let me stop you for a minute.
17 10:34:14 Yesterday you had five hours of deposition
18 10:34:19 testimony; is that correct?

19 10:34:20 MR. KATAEV: Five and a half, your Honor.

20 10:34:22 JUDGE CHO: Did that include breaks or not
21 10:34:24 include breaks?

22 10:34:25 MR. KATAEV: Only testimonial time,
23 10:34:25 your Honor. Not breaks.

24 10:34:31 JUDGE CHO: Mr. Kataev, how much more time
25 10:34:34 do you need today? I thought you were going to

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2 10:34:37 do the husband today, no?

3 10:34:40 MR. KATAEV: We did intend to do the
4 10:34:40 husband yesterday, but in conversations after
5 10:34:42 the deposition was done yesterday after we
6 10:34:46 concluded without officially concluding
7 10:34:48 yesterday, we spoke to Mr. Warner about
8 10:34:51 continuing today and he agreed to do so for
9 10:34:53 the -- at least the hour and a half that was
10 10:34:56 left.

11 10:34:58 JUDGE CHO: Understood. How much more
12 10:35:01 time do you think you need today?

13 10:35:03 MR. KATAEV: We would submit that if we
14 10:35:03 obtain for the rest of the day until 5:00 p.m.,
15 10:35:06 that would be sufficient, and we do have more
16 10:35:10 reasons in support of our application, but we
17 10:35:13 will wait for the Court to allow me to argue
18 10:35:16 those points.

19 10:35:18 JUDGE CHO: What other reason do you have
20 10:35:19 to support your application? I don't need case
21 10:35:19 law. What are your reasons why you need more
22 10:35:22 time?

23 10:35:23 MR. KATAEV: Your Honor, we spent,
24 10:35:24 unfortunately, a substantial portion of the
25 10:35:26 testimony concerning the Defendant's decision

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2 10:35:30 to hire a private investigator who placed,
3 10:35:33 unlawfully, a GPS device on Mr. Roa's vehicle.
4 10:35:36 We submit that this amounts to witness
5 10:35:38 tampering and witness intimidation and it was
6 10:35:41 very important issue that needed to be
7 10:35:42 discussed.

8 10:35:42 In addition, throughout the deposition the
9 10:35:45 witness repeatedly stonewalled and stalled the
10 10:35:50 deposition, asked questions such as, What does
11 10:35:53 discuss, d-i-s-c-u-s-s, mean. Constantly
12 10:35:58 repeated, constantly asked the court reporter
13 10:36:02 to reread the questions that were very clear,
14 10:36:05 and otherwise took time from the deposition by
15 10:36:09 engaging in such conduct.

16 10:36:11 We have from the forensic examination
17 10:36:14 approximately 20,000 pages of documents. We
18 10:36:16 have gone through approximately 35 exhibits
19 10:36:21 yesterday so we are moving along, however we do
20 10:36:23 have a substantial number of exhibits left.

21 10:36:26 She is the key witness and the person who
22 10:36:29 was the principal, sort of decision-maker and
23 10:36:33 actor in all of the complaint of conduct and we
24 10:36:36 submit that we need additional time given
25 10:36:37 gravity of the conduct in this case.

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2 10:36:43 JUDGE CHO: All right. Now, at the end of
3 10:36:43 yesterday, did you have a discussion with the
4 10:36:47 other side about how much more time you thought
5 10:36:49 you would need today?

6 10:36:50 MR. KATAEV: Yes. We did that yesterday
7 10:36:51 and today. We submitted that we would ask for
8 10:36:51 a full seven hours from the Court, but we
9 10:36:54 offered in good faith to avoid court
10 10:36:57 intervention that if -- this morning, we would
11 10:36:57 complete today with this witness, we would not
12 10:36:57 seek any further time.

13 10:36:58 JUDGE CHO: Just so I'm clear, the
14 10:36:58 discussion you had yesterday, were you asking
15 10:36:58 for an additional seven more hours; is that
16 10:36:58 what you're asking for yesterday?

17 10:37:16 MR. KATAEV: Yes, we did.

18 10:37:18 JUDGE CHO: What you're saying today is
19 10:37:19 you're not seeking a full seven hours, you just
20 10:37:21 want to finish today by five o'clock; is that
21 10:37:24 right?

22 10:37:25 MR. KATAEV: Correct, in an effort to be
23 10:37:26 reasonable and to try to resolve it without --

24 10:37:29 JUDGE CHO: Have you started today any
25 10:37:30 testimony?

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2 10:37:30 MR. KATAEV: No, not yet. We needed a

3 10:37:33 decision on this so we could decide what we're

4 10:37:33 doing.

5 10:37:37 JUDGE CHO: Okay. Look, if you get the

6 10:37:38 five hours until five o'clock today, assuming

7 10:37:41 you start at 11:00, not including break that

8 10:37:45 would be six hours, right?

9 10:37:47 MR. KATAEV: Correct. And we would have a

10 10:37:49 lunch of at least 30 to 40 minutes.

11 10:37:56 JUDGE CHO: Mr. Warner, I will hear from

12 10:37:56 you.

13 10:37:57 MR. WARNER: Thank you, your Honor.

14 10:37:58 JUDGE CHO: Go ahead, Mr. Warner.

15 10:37:58 MR. WARNER: Your Honor, yesterday I had

16 10:38:00 agreed, even though we stopped at approximately

17 10:38:03 6:40 last night, I agreed to bring back

18 10:38:08 Ms. Gelardi for an hour and a half. You may

19 10:38:10 recall that the reason we were delayed

20 10:38:13 yesterday was because the Plaintiffs refused to

21 10:38:15 permit Ms. Gelardi to wear a mask. Now that's

22 10:38:21 what delayed the deposition. We were here from

23 10:38:24 ten o'clock in the morning until 6:30 plus at

24 10:38:27 night.

25 10:38:28 Yesterday, I said I would bring her back.

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10:38:30

They didn't say anything about going more than

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an hour and a half with her, so I brought the

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husband back who had to take a day off to come

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10:38:36

here and is sitting here.

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10:38:40

And I had said to Mr. Kataev, Do your hour

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10:38:44

and a half, we were here again before

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10:38:46

ten o'clock. Do your hour and a half with Safa

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10:38:49

and afterwards we would do Vito and then we

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10:38:55

could have a discussion as to whether we bring

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10:38:58

Safa back.

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10:39:00

I don't think it's fair to change those

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rules now on an oral application that I have no

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ability to respond to, other than to say, in my

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10:39:08

opinion, that she didn't do anything to delay

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10:39:10

the deposition yesterday and we went through

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10:39:13

quite a substantial period past the normal

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10:39:15

time.

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10:39:15

I would ask that she be done in an hour

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and a half today and that we do Vito, who is

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10:39:20

scheduled to be here today and is here today,

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10:39:24

and then Mr. Kataev can make his application, I

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can have further discussions with him about

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bringing Safa back if your Honor is so

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disposed.

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2 10:39:32 I don't think it's fair to Vito to have
3 10:39:34 him come and sit and interrupt his life when
4 10:39:42 he's not being taken, even though it was agreed
5 10:39:43 Vito was going to be done today. I could have
6 10:39:43 said yesterday, No, you'll have to do Safa's
7 10:39:44 hour and a half at another time, but we said,
8 10:39:52 No, take the hour and a half and we will go on
9 10:39:55 to Vito. I think it's only fair to do Vito
10 10:39:58 Gelardi today.

11 10:40:00 JUDGE CHO: Mr. Warner, question for you;
12 10:40:04 answer if you can: Assuming we allow Kataev to
13 10:40:10 do the hour and a half of Ms. Gelardi today,
14 10:40:14 are you prepared to represent to Mr. Kataev
15 10:40:17 that you would be willing to have him come back
16 10:40:22 another day?

17 10:40:23 MR. WARNER: Yes. I would be willing to
18 10:40:25 come back another day just not today.

19 10:40:28 JUDGE CHO: Understood. Mr. Kataev, given
20 10:40:30 that representation, given that Mr. Gelardi is
21 10:40:32 there and ready to go now and given what Mr.
22 10:40:36 Warner just said, how do you want to proceed?

23 10:40:41 MR. KATAEV: Your Honor, we feel it's
24 10:40:42 imperative that we continue and complete the
25 10:40:42 deposition of Safa today. We are prepared to

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2 10:40:46 do that. That's what we focused on and worked
3 10:40:48 on all night last night in preparation for it.
4 10:40:50 I do have additional counterpoints I'd like to
5 10:40:55 raise in response to the opposition.

6 10:40:58 JUDGE CHO: First of all, question for
7 10:40:58 you, Mr. Kataev: Are you prepared to proceed
8 10:41:01 with Mr. Gelardi today?

9 10:41:04 MR. KATAEV: I would submit, your Honor,
10 10:41:06 if we are forced to we would be, but we are not
11 10:41:11 fully prepared to move forward with Vito today
12 10:41:13 and that's based on our discussion yesterday
13 10:41:13 that she would return for the hour and a half.

14 10:41:17 We think it's more efficient since we have
15 10:41:20 agreed to start the hour and a half and
16 10:41:22 complete it to just have the additional time
17 10:41:24 today and finish it today and be done with this
18 10:41:26 witness in terms of this deposition that has
19 10:41:30 noticed.

20 10:41:35 JUDGE CHO: Mr. Warner, question for you:
21 10:41:37 Mr. Warner, I understand Mr. Gelardi is there
22 10:41:42 now and prepared to be deposed. I get the
23 10:41:45 sense they are not prepared to move forward
24 10:41:49 with Mr. Gelardi today, okay. For whatever
25 10:41:52 reason, it is what it is.

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2 10:41:54 Given that, Mr. Warner, is there a reason

3 10:41:59 why you don't think you can finish Ms. Gelardi

4 10:42:03 today and not even get to Mr. Gelardi?

5 10:42:10 MR. WARNER: Is there a reason why they

6 10:42:12 can't finish? No. If your Honor is disposed

7 10:42:15 to give them another, I guess it would be five

8 10:42:19 hours on top of --

9 10:42:21 JUDGE CHO: Let me ask you another

10 10:42:23 question, Mr. Warner. You mentioned that if

11 10:42:24 they had the hour and a half today with

12 10:42:31 Ms. Gelardi that you may be willing to bring

13 10:42:34 her back another day. If you were willing to

14 10:42:37 bring her back another day, how long?

15 10:42:41 MR. WARNER: I would say a half a day,

16 10:42:42 three-and-a-half-hour morning or an afternoon

17 10:42:46 session would be more than they would be

18 10:42:48 entitled to. I'm not so sure the seven-hour

19 10:42:51 day that they -- that they requested means that

20 10:42:55 it's seven hours on the videographer's clock.

21 10:43:01 MR. SHALIT: May I be heard when you

22 10:43:02 finish, Mr. Warner?

23 10:43:03 MR. WARNER: Of course, Mr. Shalit.

24 10:43:05 We started yesterday late because of the

25 10:43:08 Plaintiff's insistence that we not start until

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10:43:15

my client's mask was removed. Now we are again

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starting at almost eleven o'clock even though

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we have been here. I just don't think it's

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appropriate.

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And yes, she is an important witness, but

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it's not par for the course to grant an

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additional day of testimony or an additional

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10:43:36

five and a half hours of testimony. I thought

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10:43:39

I was being courteous in giving them another

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10:43:42

hour and a half on top of the day they took

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10:43:45

yesterday but...

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10:43:48

MR. SHALIT: May I be heard?

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10:43:50

JUDGE CHO: Yes, Mr. Shalit.

15

10:43:52

MR. SHALIT: Sure. So I represent Carlos

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10:43:56

Roa. In my opinion, I believe that the

17

10:43:59

deposition with Safa on the Plaintiff's issues

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10:44:02

should conclude because Mr. Warner and I, we

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10:44:08

have an agreement that the counterclaim

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10:44:12

portion, or Mr. Carlos Roa's portion of the

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10:44:15

deposition is adjourned without prejudice to my

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10:44:18

client pending receipt of discovery responses

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that we stipulated ahead of this deposition.

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So Ms. Safa is going to have to come back

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regardless a different time, but I think that

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2 10:44:31 logically it makes sense to finish with the

3 10:44:34 Plaintiff's side of this case so we can focus

4 10:44:37 on the counterclaims and Mr. Roa's portion. I

5 10:44:43 think that these facts are important to bring

6 10:44:46 to the Court's attention.

7 10:44:49 JUDGE CHO: Okay. Understood.

8 10:44:53 Mr. Warner, here's what I'm inclined to

9 10:44:56 do. It's too bad that they're not prepared to

10 10:45:00 go forward with Vito Gelardi's deposition

11 10:45:01 today. I know he's there. It's too bad and

12 10:45:06 that's unfortunate.

13 10:45:07 I'm mindful that you were agreeable to

14 10:45:11 bring her back today and the Court thanks you

15 10:45:14 for that, it's more efficient that way

16 10:45:17 obviously. Since they started her, I would

17 10:45:19 like her to continue being deposed today.

18 10:45:24 It doesn't sound like an hour or an hour

19 10:45:26 and a half is going to do it for Mr. Kataev,

20 10:45:28 all right. I'm not going to give him all day,

21 10:45:33 okay. So then, Mr. Kataev, I will give you

22 10:45:37 until 3:30 today to finish her deposition,

23 10:45:39 okay?

24 10:45:43 MR. KATAEV: Understood, your Honor. If I

25 10:45:43 could bend your ear on this issue.

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2 10:45:46 JUDGE CHO: That includes breaks, okay?

3 10:45:48 Including breaks. So if you want to take a

4 10:45:50 long break or short break, that's up to you,

5 10:45:53 Mr. Kataev. We need to give her time to get

6 10:45:55 lunch if she wants to.

7 10:45:56 At 3:30, the deposition will stop. If you

8 10:46:00 are not done, Mr. Kataev, have a conversation

9 10:46:03 with Mr. Warner to see if the two of you can

10 10:46:06 work it out if she needs to come back yet

11 10:46:10 another day. If the parties can't agree to

12 10:46:13 that, write a letter to the Court, we will

13 10:46:15 address it separately, not the day of the

14 10:46:18 deposition.

15 10:46:19 MR. KATAEV: Understood. So it's without

16 10:46:20 prejudice to additional time, understood.

17 10:46:24 JUDGE CHO: Understood, yes, but I

18 10:46:26 encourage you to be very efficient because this

19 10:46:28 is day two now. A strict reading of the seven

20 10:46:32 hours is one day of seven hours, not two days,

21 10:46:35 right. So be mindful of that, okay. I know

22 10:46:39 yesterday was a very long day and Mr. Warner

23 10:46:41 was courteous enough to bring her back a second

24 10:46:44 day, right. I encourage you to be very

25 10:46:49 efficient.

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2 10:46:50 If she's obstructing the deposition,

3 10:46:52 that's a whole different story and I can review

4 10:46:53 the transcript at that point in time but be

5 10:46:56 very efficient.

6 10:46:57 Mr. Warner, were you going to say

7 10:46:59 something?

8 10:46:59 MR. WARNER: No, your Honor, thank you for

9 10:47:00 your courtesy. That's all I was going to say.

10 10:47:02 JUDGE CHO: Okay, anything else,

11 10:47:03 Mr. Kataev?

12 10:47:04 MR. KATAEV: I would only say, your Honor,

13 10:47:05 to avoid an application in the future, if the

14 10:47:06 Court would reconsider from 3:30 until 5:00, I

15 10:47:11 have a hard stop at 5:00 due to child care

16 10:47:12 issues, we could fully be done with this

17 10:47:15 dispute and never have to bring it to the

18 10:47:17 Court's attention again. I would only raise

19 10:47:21 that in an effort to avoid that application.

20 10:47:24 JUDGE CHO: Understood. Look, come 3:25,

21 10:47:26 talk to Mr. Warner. Mr. Warner, we will be

22 10:47:32 done by 5:00 no questions asked. If Mr. Warner

23 10:47:35 is agreeable and the client is agreeable, it's

24 10:47:38 okay if you go to 5:00. The Court does not

25 10:47:39 need to be informed if the parties agree.

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2 10:47:41 MR. KATAEV: Understood.

3 10:47:43 JUDGE CHO: The application before me is

4 10:47:43 Mr. Warner wants to cut it off after an hour

5 10:47:46 and a half, all right, so I'm giving you much

6 10:47:46 more time than that, all right.

7 10:47:49 Look, Mr. Warner, it is what it is. Come

8 10:47:54 3:25, if they need a little more time, decide

9 10:47:57 what you want to do. It's going to be more

10 10:48:00 burdensome for you and your client to have to

11 10:48:02 come back another day to be subjected to

12 10:48:04 Mr. Kataev's questioning, okay, so be mindful

13 10:48:07 of that, okay?

14 10:48:08 MR. WARNER: Thank you.

15 10:48:10 MR. KATAEV: Thank you, your Honor.

16 10:48:12 JUDGE CHO: Anything else, Mr. Warner, for

17 10:48:13 you?

18 10:48:14 MR. WARNER: No, nothing.

19 10:48:16 JUDGE CHO: Mr. Shalit, anything else for

20 10:48:17 you?

21 10:48:19 MR. SHALIT: No, thank you, your Honor.

22 10:48:20 JUDGE CHO: Okay, we are adjourned. Thank

23 10:48:22 you, everyone.

24 10:52:32 THE VIDEOGRAPHER: We are on the record.

25 10:52:32 The time is approximately 10:52 a.m.

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2 10:52:37 Today is February 3rd, 2023. This is day
3 10:52:42 two of the video deposition of Safa Abdulrahim
4 10:52:44 Gelardi.

5 10:52:49 You may now proceed.

6 10:52:51 BY MR. KATAEV:

7 10:52:52 Q Good morning, Ms. Gelardi. I remind you
8 10:52:55 you're still under oath. Do you understand that?

9 10:52:57 A Yes.

10 10:52:59 Q Yesterday in your testimony you said that
11 10:53:02 you really had no contact with Adam Rosenblatt for a
12 10:53:06 very long time, as least a couple of months after he
13 10:53:10 flooded you, in your words, with emails in April of
14 10:53:12 2017 and May of 2017; is that correct?

15 10:53:18 A Yes, I did say that.

16 10:53:20 Q In the days and weeks after you received
17 10:53:22 those emails, you testified that coincidentally your
18 10:53:29 accountant opened IME Guards the next week?

19 10:53:33 MR. WARNER: Objection to form.

20 10:53:34 Q Is that right?

21 10:53:36 A I never testified to that. I told you I
22 10:53:39 have never seen IME Guards.

23 10:53:41 Q But in the days and weeks after you
24 10:53:42 received these emails, IME Guarddogs was formed,
25 10:53:47 correct?

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2 10:53:48 MR. WARNER: Objection to form. You can

3 10:53:48 answer.

4 10:53:51 Q Regardless by who.

5 10:53:54 A You showed me that paperwork and I'm going

6 10:54:00 to assume it was opened, yes.

7 10:54:02 Q In the days and weeks after you received

8 10:54:05 those emails, it was coincidentally Yaniv from

9 10:54:15 Lumina Systems, your website company, was working

10 10:54:18 with Adam and you on a website for IME Guarddog,

11 10:54:24 correct?

12 10:54:25 MR. WARNER: Objection to form.

13 10:54:25 A No.

14 10:54:30 Q You were copied on those emails, correct?

15 10:54:32 A Yes.

16 10:54:35 MR. WARNER: Objection to form. I don't

17 10:54:35 know what the word "those" refers to.

18 10:54:42 BY MR. KATAEV:

19 10:54:42 Q Why were you copied on those emails?

20 10:54:45 A I don't know.

21 10:54:46 Q Did you respond to those emails when you

22 10:54:48 were copied on them?

23 10:54:50 A I don't recall, but I don't think I did

24 10:54:51 right away. I don't recall.

25 10:54:54 Q If you did respond, why would you respond?

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2 10:54:57 A I don't think I responded to those emails,
3 10:54:59 but I don't recall.

4 10:55:05 MR. KATAEV: Let's mark this 30, please.

5 10:55:10 (Plaintiff's Exhibit 30, Marked for Identification.)

6 10:55:10 BY MR. KATAEV:

7 10:55:36 Q I have handed to you what has been marked
8 10:55:39 as Plaintiff's Exhibit 30, which I will represent to
9 10:55:41 are emails in late June, June 26 and June 27 of 2017
10 10:55:46 between yourself and Yaniv at Lumina Systems.

11 10:55:51 Do you recognize these emails?

12 10:55:52 A I see them, yes.

13 10:55:57 Q On June 26, 2017 at 3:25 p.m., you did ask
14 10:56:03 Yaniv for a proposal and a breakdown of the cost to
15 10:56:09 form a website for IME Guarddog, correct?

16 10:56:16 A I see that I did ask for a breakdown. Can
17 10:56:44 you show me where I did ask for a breakdown?

18 10:56:47 Q On the first page in the middle of the
19 10:56:50 page.

20 10:57:14 MR. KATAEV: Read back the last question.

21 10:57:14 (Whereupon, the referred to question was read back
22 10:57:14 by the reporter.)

23 10:57:16 A I'm not sure if it was for IME Guarddog,
24 10:57:18 but I see that I did ask him for a breakdown of
25 10:57:20 proposal. This says IME Guards, I'm sorry, not

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2 10:57:28 Guarddog.

3 10:57:30 Q Okay. Why is it that you are refusing to

4 10:57:36 admit that you were trying to open a competing

5 10:57:38 business in May of 2017 with Adam, Yaniv and Five

6 10:57:44 Pillars?

7 10:57:44 MR. WARNER: Objection to form.

8 10:57:51 THE WITNESS: Do I answer, Jonathan?

9 10:57:52 MR. WARNER: Yes.

10 10:57:53 A I'm not refusing to admit anything,

11 10:57:55 Mr. Kataev.

12 10:57:56 Q On the subject of this email, at the top

13 10:57:58 does it not say, IME Guarddogs?

14 10:58:04 A It does.

15 10:58:05 Q Despite the fact that you're copied on

16 10:58:07 this email and despite the fact that your accountant

17 10:58:10 opened up a company called Guarddogs right after you

18 10:58:14 received all these documents, why are you still

19 10:58:16 refusing to admit that you were part of a plan to

20 10:58:20 open up a competing business?

21 10:58:20 MR. WARNER: Objection to form. You can

22 10:58:20 answer.

23 10:58:20 A I'm not refusing to admit that,

24 10:58:26 Mr. Kataev.

25 10:58:30 Q So if you're saying you're not refusing to

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1 S. Abdulrahim Gelardi

2 10:58:33 admit it, are you admitting it?

3 10:58:36 A I'm not admitting it because I don't

4 10:58:40 recall asking for a proposal for IME Guarddogs and I

5 10:58:46 don't recall opening up IME Guarddogs.

6 10:58:49 Q Even if you didn't ask for the proposal

7 10:58:51 and even if you didn't ultimately form it, you were

8 10:58:54 part of the emails in that effort; were you not?

9 10:59:00 A I was added to those emails, yes.

10 10:59:02 Q And you responded to those emails, too,

11 10:59:05 correct?

12 10:59:06 A I see that I have, yes.

13 10:59:15 MR. KATAEV: Mark this as 31.

14 10:59:21 (Plaintiff's Exhibit 31, Marked for Identification.)

15 10:59:21 BY MR. KATAEV:

16 10:59:35 Q I'm still referring to the prior exhibit.

17 10:59:45 When you refer to this email chain

18 10:59:50 that's in front of you for Exhibit 30, does it not

19 10:59:54 refresh your recollection that you were part of an

20 10:59:56 effort to open a competing business in May of '17?

21 11:00:01 MR. WARNER: Objection to form. You can

22 11:00:01 answer.

23 11:00:04 A What was the question, I'm sorry?

24 11:00:07 MR. KATAEV: Read it back, please.

25 11:00:45 (Whereupon, the referred to question was read back

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2 11:00:45 by the reporter.)

3 11:00:46 A I'm so sorry, one more time. I apologize.

4 11:00:51 (Whereupon, the referred to question was read back

5 11:00:51 by the reporter.)

6 11:01:11 A I do -- it refreshes my recollection

7 11:01:13 that -- how adamant Adam was to open up another IME

8 11:01:21 business.

9 11:01:21 Q You agreed to do that with him, correct?

10 11:01:25 A I listened.

11 11:01:26 Q Let's go to 31. Just to confirm, when you

12 11:01:33 say you listened, that means you agreed to do it,

13 11:01:36 correct?

14 11:01:36 A I did not agree to do it right away. I

15 11:01:39 was listening.

16 11:01:40 Q When you reached out to the website

17 11:01:43 individual, Yaniv, and asked him for a breakdown of

18 11:01:47 the cost, is that when you eventually agreed?

19 11:01:51 A No, I did not agree yet.

20 11:01:52 Q Did there come a time when you paid for

21 11:01:55 the website?

22 11:01:57 A Not IME Guarddogs, no.

23 11:01:59 Q But ultimately with a different name, you

24 11:02:01 did pay for the website, correct?

25 11:02:04 A Ultimately, I started IME Companions, yes,

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2 11:02:06 with Yaniv.

3 11:02:09 Q That process that started -- withdrawn.

4 11:02:12 That process that led to you making a

5 11:02:15 website for IME Companions started originally in May

6 11:02:18 of '17, correct?

7 11:02:20 A No.

8 11:02:20 Q How do you explain that?

9 11:02:23 MR. WARNER: Objection to form. What does

10 11:02:24 that refer to?

11 11:02:25 BY MR. KATAEV:

12 11:02:26 Q When I ask, How do you explain that, how

13 11:02:29 do you explain your answer, No, with respect to

14 11:02:31 making a website for IME Companions and your claim

15 11:02:35 that it did not start in May of '17?

16 11:02:38 MR. WARNER: Objection to form. You can

17 11:02:38 answer.

18 11:02:40 A I decided to start IME Companions after I

19 11:02:44 met with Greg.

20 11:02:45 Q When did you meet with Greg, again, month

21 11:02:48 and year?

22 11:02:52 A I don't remember honestly. It had to be

23 11:02:55 in 2017.

24 11:02:58 Q Do you remember whether it was May or June

25 11:03:00 or July of '17?

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2 11:03:02 A I don't recall. I met with him the first
3 11:03:06 time to pitch to him the malpractice business and
4 11:03:10 then I met with him the second time to pitch to him
5 11:03:15 the IME business, and I decided -- your question is
6 11:03:17 when did you decide, correct?

7 11:03:19 Q Yes.

8 11:03:19 A I decided when Greg said yes.

9 11:03:25 Q Prior to any meeting you had with Greg,
10 11:03:27 did you confirm those meetings via email?

11 11:03:32 A With Greg?

12 11:03:33 Q Yes.

13 11:03:35 A I don't believe so. I'm not sure.

14 11:03:36 Q How did you go about securing those
15 11:03:39 meetings?

16 11:03:39 A I would have to go through Roman to get to
17 11:03:42 Greg.

18 11:03:44 Q How did you go about securing a meeting
19 11:03:45 with Greg through Roman?

20 11:03:48 A I would call Roman and ask him to try to
21 11:03:52 set me up with a meeting with Greg.

22 11:03:57 MR. KATAEV: I apologize, would you be
23 11:03:59 kind enough to raise the face shield? Thank
24 11:04:04 you.

25 11:04:05 Q You would never have formed the website

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2 11:04:07 for Companions had you not learned about the

3 11:04:12 competing business in April or May of '17 through

4 11:04:16 Adam, correct?

5 11:04:17 MR. WARNER: Objection to form.

6 11:04:18 A Repeat that back.

7 11:04:20 (Whereupon, the referred to question was read back

8 11:04:20 by the reporter.)

9 11:04:39 A Would I have -- you're asking if I would

10 11:04:50 have never started an IME business if I never met

11 11:04:53 Adam; is that your question?

12 11:04:56 Q Yes.

13 11:04:56 A Yes.

14 11:04:56 Q You agree to that?

15 11:04:58 A Yes.

16 11:05:00 Q In reference to your meetings with Greg,

17 11:05:03 which you secured through Roman, what, if anything,

18 11:05:07 did you give Roman to get a meeting with Greg?

19 11:05:11 A To get a meeting with Greg, I gave Roman

20 11:05:15 nothing. I asked for a meeting.

21 11:05:19 Q What, if anything, did you give Roman in

22 11:05:22 order to secure Greg's approval to start a business

23 11:05:27 with you in the IME observer industry?

24 11:05:31 MR. WARNER: Objection to form. You can

25 11:05:31 answer.

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2 11:05:32 A I didn't understand it.

3 11:05:36 MR. KATAEV: Read it back, please.

4 11:05:38 (Whereupon, the referred to question was read back
5 11:05:38 by the reporter.)

6 11:05:55 A What, if anything, did I give Roman to
7 11:05:58 secure an interview with Greg?

8 11:06:03 Q To secure Greg's approval to start the
9 11:06:06 business with you?

10 11:06:07 A I gave Roman nothing to secure an approval
11 11:06:11 from Greg. Greg's approval was verbal when I met
12 11:06:16 with him.

13 11:06:23 Q Did you ever give Roman Pollak any of the
14 11:06:25 materials that you obtained from Adam?

15 11:06:28 A I'm not sure. I might have. I mean, I
16 11:06:32 might have because it was -- I wanted to see if
17 11:06:39 anyone has heard of such a business.

18 11:06:43 Q What materials would you have provided to
19 11:06:46 Roman to see about that?

20 11:06:50 A I'm not sure. Like I said, there was
21 11:06:53 diarrhea of the email with Adam. It was just...

22 11:07:07 Q Wouldn't it have been sufficient to just
23 11:07:09 give him the name of IME Watchdog and its website?

24 11:07:16 MR. WARNER: Objection to form.

25 11:07:17 A I don't know.

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2 11:07:19 Q You're not denying that you could have

3 11:07:20 sent Roman some confidential information, correct?

4 11:07:24 MR. WARNER: Objection to form.

5 11:07:25 A Repeat that, please.

6 11:07:27 (Whereupon, the referred to question was read back

7 11:07:27 by the reporter.)

8 11:07:52 A No, I'm not denying that.

9 11:07:58 Q You previously sent IME Watchdog's

10 11:08:03 confidential information to your accountant,

11 11:08:06 correct?

12 11:08:08 A Yes.

13 11:08:09 Q You did so because you said you wanted to

14 11:08:11 confirm it was accurate, correct?

15 11:08:18 A I believe I sent it to him to ask him if

16 11:08:22 he has come across any such business.

17 11:08:26 Q He answered your questions, correct?

18 11:08:30 A He did tell me he's never heard of such

19 11:08:33 business. He answered my question.

20 11:08:36 Q Were you not satisfied with the answer you

21 11:08:38 got from your accountant and is that the reason why

22 11:08:40 you also sent it to Roman?

23 11:08:43 MR. WARNER: Objection to form.

24 11:08:43 A No.

25 11:08:49 Q Why?

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2 11:08:52 A Why not?

3 11:08:54 Q Why is your answer no?

4 11:08:56 MR. WARNER: Objection to form.

5 11:09:00 Q Why did you send it to Roman?

6 11:09:03 A I don't recall.

7 11:09:10 Q Is there anything that would refresh your
8 11:09:12 recollection?

9 11:09:15 A This is six years ago. I don't remember
10 11:09:18 what I was thinking six years ago of why I sent him
11 11:09:22 an email.

12 11:09:23 Q You did just testify that you said you
13 11:09:25 sent it to Roman to see if he ever heard about the
14 11:09:29 business, correct?

15 11:09:30 A I testified that I could have sent
16 11:09:32 material to Roman, yes.

17 11:09:34 Q Now you don't recall why?

18 11:09:36 MR. WARNER: Objection to form.

19 11:09:42 Q Correct?

20 11:09:42 A What is it that I don't recall?

21 11:09:44 Q Why you sent the confidential information.

22 11:09:48 A Exactly why, I don't recall.

23 11:09:50 MR. KATAEV: Let's go to 31.

24 11:09:54 BY MR. KATAEV:

25 11:09:54 Q I will represent to you this is a July 10,

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1 S. Abdulrahim Gelardi

2 11:10:00 2017 email from you to a Dr. Henri at MSN.com, Henri
3 11:10:09 with an I, forwarding Adam Rosenblatt's June 28,
4 11:10:13 2017 email concerning the sliding scale of salary
5 11:10:21 and equity that we previously discussed.

6 11:10:23 First, do you recognize this email?

7 11:10:25 A Yes.

8 11:10:25 Q Second, do you recall that we previously
9 11:10:26 looked at an exhibit with this original email from
10 11:10:30 Adam from June 28th?

11 11:10:32 A Yes.

12 11:10:35 Q Why did you forward this email to
13 11:10:37 Dr. Henri at MSN.com?

14 11:10:43 A Adam was looking for a partner. Adam
15 11:10:46 asked me to talk to Dr. Henri for him.

16 11:10:48 Q Who is Dr. Henri?

17 11:10:50 A I have no idea. Dr. Henri is a
18 11:10:59 chiropractor that Adam told me about that was trying
19 11:11:04 to start the IME business with Daniella supposedly.
20 11:11:04 I don't recall. I don't remember.

21 11:11:06 Q Did you ever speak with this individual by
22 11:11:08 phone?

23 11:11:10 A No, I don't think so.

24 11:11:11 Q Did you ever send text messages to this
25 11:11:13 individual?

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2 11:11:14 A I don't believe so.

3 11:11:15 Q Did you ever meet with this individual?

4 11:11:17 A I don't remember. I don't think so.

5 11:11:18 Q Do you know Dr. Henri's full name?

6 11:11:21 A I do not.

7 11:11:23 Q If Adam is the person who told you about

8 11:11:27 Dr. Henri, why is it that you sent this email to

9 11:11:31 Dr. Henri?

10 11:11:32 A Because he asked me to.

11 11:11:35 Q Adam asked you to?

12 11:11:37 A Yes.

13 11:11:37 Q Why did Adam ask you to?

14 11:11:40 A Because Dr. Henri didn't want to talk to

15 11:11:42 him anymore so he wanted to start the business with

16 11:11:45 somebody. I did not want to work with Adam.

17 11:12:02 Q By this point in time, what happened in

18 11:12:18 between June 28th and July 10th that led to you

19 11:12:22 sending this email?

20 11:12:24 A I don't recall.

21 11:12:27 Q Between April of 2017 until June 28th, are

22 11:12:31 you denying that you considered going into business

23 11:12:36 with Adam?

24 11:12:38 MR. WARNER: Objection to form.

25 11:12:44 A Am I denying that I considered to go into

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1 S. Abdulrahim Gelardi

2 11:12:48 business with Adam?

3 11:12:50 Q Correct.

4 11:12:51 A I considered it.

5 11:12:53 Q Did there come a time when you no longer
6 11:12:55 considered it?

7 11:12:55 A Yes.

8 11:12:56 Q When was that?

9 11:12:57 A When we met with him at the restaurant.

10 11:13:00 Q That was at some point approximately two
11 11:13:03 months after the April 28th email, correct?

12 11:13:07 A I don't remember exactly when. It was
13 11:13:09 after the emails.

14 11:13:12 Q By that point in time when you decided you
15 11:13:14 no longer wanted to work with Adam, you already
16 11:13:17 received everything you would need to open the
17 11:13:19 business yourself, correct?

18 11:13:21 MR. WARNER: Objection to form.

19 11:13:22 A I'm not sure.

20 11:13:25 Q Why are you not sure?

21 11:13:27 A Because I wouldn't have known. There is
22 11:13:31 no way to know that you have everything to open a
23 11:13:34 business. I still hadn't researched the business.

24 11:13:40 Q Did you eventually form an understanding
25 11:13:43 that you could form a competing business with the

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1 S. Abdulrahim Gelardi

2 11:13:47 information you received from Adam?

3 11:13:49 MR. WARNER: Objection to form.

4 11:13:52 A It's possible.

5 11:13:55 Q Is it yes or no?

6 11:13:57 MR. WARNER: Objection to form.

7 11:13:59 Q You can answer.

8 11:14:01 A Now I can't remember the question. I'm

9 11:14:03 sorry.

10 11:14:03 (Whereupon, the referred to question was read back

11 11:14:03 by the reporter.)

12 11:14:26 A I'm not sure. It's possible.

13 11:14:36 Q During the time -- withdrawn.

14 11:14:39 At the time that you had sent emails

15 11:14:42 to Roman in order to reach Greg, did you already

16 11:14:46 make the decision that you would not be working with

17 11:14:50 Adam?

18 11:14:50 MR. WARNER: Objection to form.

19 11:14:51 A It's possible.

20 11:14:53 Q Do you know one way or the other

21 11:14:55 definitively?

22 11:14:58 A Definitively, no, I don't. It's possible.

23 11:15:12 Q If you did -- withdrawn.

24 11:15:17 At the time that you were considering

25 11:15:18 going into business with Adam would you have reached

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2 11:15:21 out to Roman either way?

3 11:15:24 MR. WARNER: Objection to form.

4 11:15:26 A I don't know.

5 11:15:29 Q But you didn't reach out to Roman during

6 11:15:32 the time you were considering going into business

7 11:15:35 with Adam, correct?

8 11:15:36 MR. WARNER: Objection to form.

9 11:15:37 A I don't know.

10 11:15:40 MR. KATAEV: Let's mark this 32.

11 11:15:46 (Plaintiff's Exhibit 32, Marked for Identification.)

12 11:15:56 (Witness perusing document.)

13 11:15:56 BY MR. KATAEV:

14 11:15:59 Q One question on the -- before we get into

15 11:16:01 this exhibit.

16 11:16:05 Why did you decide not to go into

17 11:16:07 business with Adam?

18 11:16:17 A My husband made the decision not to go

19 11:16:20 into business with Adam.

20 11:16:22 Q What is your understanding of why your

21 11:16:24 husband made that decision?

22 11:16:27 A My husband, from my understanding, thought

23 11:16:31 the whole meeting was a joke and there was nothing

24 11:16:36 serious about it and nothing was spoken.

25 11:17:06 Q At the Show Cause Hearing on April 4,

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1 S. Abdulrahim Gelardi

2 11:17:09 2022, isn't it true that you testified that you

3 11:17:13 decided not to go into business with Adam because

4 11:17:15 you formed the opinion that he was untrustworthy,

5 11:17:16 unethical, and really ruthless in wanting to take

6 11:17:21 his own boss down?

7 11:17:26 MR. WARNER: Objection to form. The

8 11:17:26 testimony speaks for itself.

9 11:17:27 BY MR. KATAEV:

10 11:17:29 Q You can answer.

11 11:17:30 A I did. That is my opinion of Adam.

12 11:17:34 Q So --

13 11:17:34 MR. WARNER: Listen to his question.

14 11:17:36 A What was your question?

15 11:17:39 Q Was this your testimony?

16 11:17:39 A This was my testimony.

17 11:17:42 MR. KATAEV: Let the record reflect that

18 11:17:44 we have placed up on the screen the Show Cause

19 11:17:46 Hearing transcript of page 85 lines 14 through

20 11:17:52 21.

21 11:17:52 You just testified today that the reason

22 11:17:57 why you didn't go into business with Adam was

23 11:18:00 because it was Vito's decision because he

24 11:18:03 wasn't serious, but you testified at your Show

25 11:18:08 Cause Hearing that you formed the decision

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1 S. Abdulrahim Gelardi

2 11:18:09 because you thought he was untrustworthy. Were

3 11:18:11 you telling the truth now or were you telling

4 11:18:11 the truth at the Show Cause Hearing?

5 11:18:15 MR. WARNER: Objection to form.

6 11:18:16 Q You can answer.

7 11:18:16 A I'm telling the truth both times. Vito

8 11:18:18 made the final decision.

9 11:18:25 Q Ultimately, when you decided not to go

10 11:18:28 into business with Adam, you already had everything

11 11:18:30 you needed to form the business, correct?

12 11:18:32 MR. WARNER: Objection to form.

13 11:18:33 A I don't know.

14 11:18:35 MR. KATAEV: Let's go to 32.

15 11:18:37 BY MR. KATAEV:

16 11:18:40 Q I have handed to you Plaintiff's

17 11:18:43 Exhibit 32, Ms. Gelardi. This is what I will

18 11:18:43 represent to you is a July 18, 2017 email from you

19 11:18:55 to rpollak002@gmail.com. The email contains no

20 11:19:03 subject and no message and one attachment.

21 11:19:07 Do you recognize this email?

22 11:19:09 A Yes.

23 11:19:10 Q Referring to the attachment, this is an

24 11:19:12 IME Watchdog invoice, correct?

25 11:19:16 A Yes.

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1 S. Abdulrahim Gelardi

2 11:19:17 Q You sent this email to Roman Pollak in

3 11:19:20 July of '17, correct?

4 11:19:22 A Yes.

5 11:19:25 Q Why did you send Roman Pollak this

6 11:19:27 attachment?

7 11:19:35 A Um, I can tell you -- why did I send this

8 11:19:40 email to Roman Pollak?

9 11:19:41 Q Correct, this attachment.

10 11:19:43 A This attachment, because Greg and him had

11 11:19:47 the same last name.

12 11:19:48 Q Repeat your answer, please.

13 11:19:51 A Because it was the same last name as

14 11:19:54 Gregory Elefterakis.

15 11:19:56 Q Why did you not put anything in the

16 11:19:59 subject line or the message when you sent the email?

17 11:20:04 A I don't recall.

18 11:20:04 Q After you sent this email, did you call

19 11:20:10 Roman Pollak?

20 11:20:11 A It's possible.

21 11:20:15 Q By the time you sent this email, you had

22 11:20:18 already decided to cut Adam out, correct?

23 11:20:22 MR. WARNER: Objection to form.

24 11:20:23 Q You can answer.

25 11:20:24 A It's possible. No, it's possible. I

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1 S. Abdulrahim Gelardi

2 11:20:28 don't know.

3 11:20:36 Q I asked you before whether by the time you
4 11:20:40 decided not to work with Adam, you already had
5 11:20:42 everything you needed to form the business and you
6 11:20:47 didn't give me a straight answer one way or the
7 11:20:51 other.

8 11:20:51 MR. WARNER: Objection to form.

9 11:20:52 Q Assuming the answer is no that you didn't
10 11:20:54 have everything you need to form the business, what
11 11:20:58 else would you need?

12 11:21:02 MR. WARNER: Objection to form.

13 11:21:06 A I don't know what your question is,
14 11:21:08 Mr. Kataev.

15 11:21:10 Q I asked you whether by the time you
16 11:21:11 decided not to work with Adam, whether based on
17 11:21:15 everything you received from Adam, you had
18 11:21:17 everything you needed to form a competing business,
19 11:21:20 correct?

20 11:21:23 MR. WARNER: Objection to form.

21 11:21:24 Q Did I ask you that?

22 11:21:26 A Yes.

23 11:21:26 Q Your answer was not yes and not no, it was
24 11:21:33 something in between. I'm not sure or I don't
25 11:21:34 recall or I don't know, right?

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1 S. Abdulrahim Gelardi

2 11:21:36 My question is: If the answer is no,

3 11:21:38 you didn't have everything from Adam, what else

4 11:21:41 would you need?

5 11:21:44 A Mr. Kataev, nothing Adam sent me made any

6 11:21:48 difference to me starting this business.

7 11:21:56 Q Adam sent you the IME reports, correct?

8 11:21:59 A Correct.

9 11:22:00 Q Adam sent you invoices, correct?

10 11:22:02 A Correct.

11 11:22:02 Q He sent you marketing content as well,

12 11:22:04 correct?

13 11:22:06 A I don't think so. I don't recall any

14 11:22:07 marketing content.

15 11:22:09 Q Adam sent you the customer list, correct?

16 11:22:12 A Yes.

17 11:22:12 Q He also sent you a master list with the

18 11:22:15 contact information of each person to contact for

19 11:22:19 each customer, correct?

20 11:22:23 A I saw that list after the case, this case

21 11:22:27 appeared.

22 11:22:30 Q What else, if anything, would you have

23 11:22:32 needed to form a competing business given what Adam

24 11:22:36 sent you?

25 11:22:41 A I didn't use any of the materials Adam

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1 S. Abdulrahim Gelardi

2 11:22:43 sent me. He sent it, I read it eventually and not

3 11:22:51 all of it.

4 11:22:52 Q What, if anything, did you do to start the
5 11:22:55 business that was separate from what Adam sent?

6 11:23:03 A What, if anything, did we do -- repeat
7 11:23:05 that, please.

8 11:23:07 Q To start the business that was separate
9 11:23:11 from what Adam sent?

10 11:23:14 A It doesn't take much to start this
11 11:23:16 business, Mr. Kataev.

12 11:23:17 Q What did you do since it's not much? Tell
13 11:23:21 us what it is that you did do.

14 11:23:23 A What I did to start the business?

15 11:23:26 Q Yes. Separate from what Adam sent you.

16 11:23:28 A We actually turned it into something
17 11:23:35 completely different. IME Companions is not just a
18 11:23:40 legal advocate business.

19 11:23:42 Q What did you do to start the business that
20 11:23:44 was separate from what Adam sent you?

21 11:23:47 A We met with attorneys, we started this
22 11:23:51 business on the basis of a legal advocate business,
23 11:23:54 it was simple enough, we learned what an IME was, we
24 11:24:00 sent people out, took notes, sent reports, that's
25 11:24:03 how simple the business is. Everything you need to

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1 S. Abdulrahim Gelardi

2 11:24:06 know about an IME business is online.

3 11:24:11 Q This invoice is made out to Elefterakis,
4 11:24:13 Elefterakis & Panek, correct?

5 11:24:15 A Correct.

6 11:24:16 Q The only reason you reached out to Gregory
7 11:24:18 Elefterakis is because you saw his name on this
8 11:24:21 invoice, correct?

9 11:24:22 A Yes.

10 11:24:22 Q You would not have known that Gregory
11 11:24:24 Elefterakis and/or his relatives were somehow
12 11:24:29 involved with IME Watchdog without this invoice,
13 11:24:33 correct?

14 11:24:34 MR. WARNER: Objection to form.

15 11:24:35 A I would say, yes.

16 11:24:42 Q Adam also sent you training materials for
17 11:24:45 Companions or Watchdogs, correct?

18 11:24:49 A I don't recall seeing training materials.

19 11:24:52 Q It's fair to say, isn't it, that every
20 11:24:55 first customer that you obtained at Companions was
21 11:24:58 already a customer of IME Watchdog, correct?

22 11:25:01 A Repeat that, please.

23 11:25:07 (Whereupon, the referred to question was read back
24 11:25:07 by the reporter.)

25 11:25:35 MR. WARNER: Objection to form. You can

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1 S. Abdulrahim Gelardi

2 11:25:35 answer.

3 11:25:39 A Every first customer was already a

4 11:25:41 Watchdog customer, first customer...

5 11:25:44 Q Your first ten customers.

6 11:25:47 A That's fair to say, I guess.

7 11:25:49 Q How did you learn what an IME was?

8 11:25:58 A Mr. Kataev, IMEs, everything you need to

9 11:26:00 know about an IME is online.

10 11:26:07 Q Is that how you learned what an IME was?

11 11:26:10 A Yes.

12 11:26:12 Q You didn't learn what an IME was

13 11:26:15 originally from Adam?

14 11:26:17 A Not exactly.

15 11:26:19 Q Did Adam explain to you what an IME was?

16 11:26:25 A I don't think so. I don't remember, but I

17 11:26:26 don't remember learning what an IME was from Adam.

18 11:26:34 Q Yesterday I asked you a series of

19 11:26:35 questions about various tests performed on IMEs. Do

20 11:26:39 you recall that?

21 11:26:39 A Yes.

22 11:26:40 Q You did not know the answers about

23 11:26:42 virtually every one of those tests, correct?

24 11:26:46 MR. WARNER: Objection to form.

25 11:26:47 A Yes.

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1 S. Abdulrahim Gelardi

2 11:26:54 Q With respect to training materials that
3 11:26:57 you sent to your employees, independent contractors
4 11:27:02 and agents, those training materials came from what
5 11:27:08 Adam sent you, correct?

6 11:27:10 A No.

7 11:27:11 Q Where did you get the training materials
8 11:27:12 to send to your -- what I will refer to as
9 11:27:16 Companions?

10 11:27:18 A We only sent, starting maybe 2020, an
11 11:27:24 email of instructions of how to advocate which
12 11:27:27 Carlos made.

13 11:27:34 Q Isn't it true that the majority of your
14 11:27:36 customers were IME Watchdog customers?

15 11:27:41 A It's possible.

16 11:27:48 Q Are you aware that 90 percent of IME
17 11:27:53 Companions' income comes from customers that were
18 11:27:57 previous from IME Watchdog?

19 11:27:59 MR. WARNER: Objection to form.

20 11:28:00 A Possible.

21 11:28:09 Q That's not a coincidence, correct?

22 11:28:14 MR. WARNER: Objection to form.

23 11:28:15 Q You can answer.

24 11:28:16 MR. WARNER: You can answer.

25 11:28:17 A I don't know what you mean by, That's not

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1 S. Abdulrahim Gelardi

2 11:28:19 a coincidence.

3 11:28:20 Q The reason IME Companions' customers were
4 11:28:23 all formally IME Watchdog customers is because you
5 11:28:26 had the list, correct?

6 11:28:28 A Wrong.

7 11:28:29 Q The reason why you had -- withdrawn.

8 11:28:32 The reason why IME Companions'

9 11:28:34 customers were all formally Watchdog customers is
10 11:28:39 because you paid Adam for that information, correct?

11 11:28:42 A Wrong.

12 11:28:53 Q When you formed the website for IME
13 11:28:56 Companions, did you use all of the content from IME
14 11:29:02 Watchdog?

15 11:29:02 A No, we did not.

16 11:29:04 Q When you formed the website for IME
17 11:29:07 Companions, did you use most of the content from IME
18 11:29:10 Watchdog's website?

19 11:29:12 A No.

20 11:29:13 Q When you formed the website for IME
21 11:29:16 Companions, did you use any of the materials from
22 11:29:19 IME Watchdog's website?

23 11:29:21 A No.

24 11:29:29 MR. KATAEV: Let's mark this 33.

25 11:29:34 (Plaintiff's Exhibit 33, Marked for Identification.)

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1 S. Abdulrahim Gelardi

2 11:29:48 (Witness perusing document.)

3 11:29:48 BY MR. KATAEV:

4 11:29:49 Q Ms. Gelardi, I have handed to you what has
5 11:29:54 been marked as Plaintiff's 33. I will represent to
6 11:29:55 you that it's an August 19, 2017 email from you to
7 11:29:59 an individual named Carl F. Schuff, S-c-h-u-f-f,
8 11:30:05 with a copy to your husband, Vito, and Roman Pollak.

9 11:30:09 Do you recognize this email?

10 11:30:11 A I see it.

11 11:30:12 Q Who is Carl Schuff?

12 11:30:17 A I have no idea, but I'm going to speculate
13 11:30:20 that I believe he would have been maybe a contact to
14 11:30:25 build a website.

15 11:30:27 Q You're speculating that it could be a
16 11:30:30 contact for a website because it says here that your
17 11:30:33 name is Safa Gelardi and you're looking to build a
18 11:30:37 website for a new IME business, correct?

19 11:30:40 A Correct.

20 11:30:41 Q You stated in here you need a website for
21 11:30:44 IME professionals with a significant amount of
22 11:30:46 content to be taken from IME Watchdog, correct?

23 11:30:50 MR. WARNER: Objection to form.

24 11:30:52 A That's what it says.

25 11:30:54 Q So it's true then that the content for IME

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1 S. Abdulrahim Gelardi

2 11:31:00 Companions' website was taken from IME Watchdog,
3 11:31:02 correct?

4 11:31:03 A No.

5 11:31:05 Q Your earlier testimony is that none of the
6 11:31:06 content from IME Watchdog went into Companions'
7 11:31:11 website was untrue, correct?

8 11:31:14 A That is not untrue, no.

9 11:31:32 Q You wrote this email and sent it correct?

10 11:31:35 A I did not write this email.

11 11:31:37 Q Who wrote this email?

12 11:31:39 A This is a copy and paste from Adam's
13 11:31:41 email, an old email that Adam sent me of what he
14 11:31:47 wanted a website to look like.

15 11:31:50 Q By this point in time you were no longer
16 11:31:53 interested in working with Adam, correct?

17 11:31:54 A Yes.

18 11:31:55 Q You decided to simply copy what Adam sent
19 11:31:57 you and send it to a different website person to
20 11:32:01 achieve the same result, correct?

21 11:32:04 A The purpose of this email or any email
22 11:32:10 that pertains to this material -- let me answer --
23 11:32:13 repeat the question, please.

24 11:32:15 MR. KATAEV: Read it back, please. I
25 11:32:15 would like a yes or no to the question.

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1 S. Abdulrahim Gelardi

2 11:32:16 (Whereupon, the referred to question was read back

3 11:32:16 by the reporter.)

4 11:32:40 MR. WARNER: Objection to form. You can

5 11:32:40 answer.

6 11:32:43 A I decided to copy this information to

7 11:32:46 build a website; is that your question?

8 11:32:50 MR. KATAEV: Let's read it back again.

9 11:32:51 (Whereupon, the referred to question was read back

10 11:32:51 by the reporter.)

11 11:32:51 BY MR. KATAEV:

12 11:33:06 Q By same result, I mean the result that

13 11:33:10 Adam sought in his original email?

14 11:33:14 A I did not want the same result.

15 11:33:17 Q Why didn't you change this email?

16 11:33:22 A When it's -- I just felt like it's a brand

17 11:33:25 new business, the only way you can actually

18 11:33:30 understand it is to look at another business similar

19 11:33:33 to it.

20 11:33:35 Q The information that you used to look at a

21 11:33:38 similar business was not something that was publicly

22 11:33:42 available, correct?

23 11:33:43 A It was publicly available.

24 11:33:44 Q The contents of this email were not

25 11:33:47 publicly available, correct?

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1 S. Abdulrahim Gelardi

2 11:33:48 MR. WARNER: Objection to form.

3 11:33:49 A I don't understand what you mean by the
4 11:33:51 contents of this email.

5 11:33:53 Q Adam's email was not publicly available on
6 11:33:57 IME Watchdog's website, correct?

7 11:33:59 A That's correct.

8 11:34:01 Q You got this information from Adam, who
9 11:34:03 was an employee of IME Watchdog, correct?

10 11:34:07 MR. WARNER: Objection to form.

11 11:34:08 A Adam sent this email to me some time
12 11:34:11 before.

13 11:34:11 Q You sent this email that we are looking at
14 11:34:14 now, correct?

15 11:34:15 A Correct.

16 11:34:18 Q Your testimony that you didn't use
17 11:34:20 anything from the IME Watchdog website, the content
18 11:34:23 on it is not true, correct?

19 11:34:26 A Correct.

20 11:34:31 MR. KATAEV: Let's mark this as 34 for
21 11:34:34 now.

22 11:34:34 (Plaintiff's Exhibit 34, Marked for Identification.)

23 11:34:55 (Witness perusing document.)

24 11:34:55 BY MR. KATAEV:

25 11:35:04 Q I have placed in front of you what has

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1 S. Abdulrahim Gelardi

2 11:35:07 been marked as Plaintiff's 34. This is a

3 11:35:10 September 20, 2017 email from you to Yaniv at

4 11:35:14 Lumina. The subject says, Forward, FWD: Website

5 11:35:21 concept, and the body of this email contains a copy

6 11:35:24 and paste of the prior email that we just looked at,

7 11:35:27 correct?

8 11:35:28 A Yes.

9 11:35:28 Q You sent this email, correct?

10 11:35:31 A Yes.

11 11:35:32 Q Why is it that almost exactly a month

12 11:35:39 after you emailed Carl, you send this email to Yaniv

13 11:35:43 at Lumina?

14 11:35:49 A At this point we were probably

15 11:35:52 contemplating opening up our own IME business.

16 11:35:56 Q Why did you not continue working with Carl

17 11:35:59 and went back to Yaniv?

18 11:36:01 A It could have been a variety of reasons.

19 11:36:04 I don't know.

20 11:36:06 Q At this point in time, just like with the

21 11:36:09 last email, you had already decided not to work with

22 11:36:13 Adam, correct?

23 11:36:13 A Yes.

24 11:36:30 MR. KATAEV: Lets' do 35.

25 11:36:32 (Plaintiff's Exhibit 35, Marked for Identification.)

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1 S. Abdulrahim Gelardi

2 11:36:32 BY MR. KATAEV:

3 11:38:21 Q I have placed in front of you what has
4 11:38:25 been marked as Plaintiff's Exhibit 35. This is what
5 11:38:28 I will represent to you is a September 29, 2017
6 11:38:30 email from you to Roman.

7 11:38:36 Do you recognize this email?

8 11:38:38 A Yes.

9 11:38:39 Q You sent this email, correct?

10 11:38:41 A Yes.

11 11:38:43 Q In this email, you attach three files
12 11:38:47 named, P&L 2014, P&L 2015, and P&L 2016, correct?

13 11:38:54 A Yes.

14 11:38:55 Q You write in the body of the email, See
15 11:38:59 attached. Coming to see you, correct?

16 11:39:01 A Yes.

17 11:39:04 Q If you go to the next page, the
18 11:39:06 attachments are the same ones we've previously
19 11:39:09 looked at, the profit and loss statements for IME
20 11:39:12 Watchdog for 2014, '15 and '16, correct?

21 11:39:16 A Correct.

22 11:39:22 Q Why did you send this email to Roman
23 11:39:26 Pollak in September of 2017?

24 11:39:41 A To discuss whether or not we would be able
25 11:39:46 to discuss starting the IME business.

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1 S. Abdulrahim Gelardi

2 11:39:49 Q Did you not previously send Roman Pollak
3 11:39:52 these P&Ls?

4 11:39:54 A It's possible. I'm not sure. I might
5 11:39:56 have.

6 11:39:57 Q Why would you send him the P&Ls twice?

7 11:40:00 A I don't know.

8 11:40:05 Q At your Show Cause Hearing we asked you --
9 11:40:08 withdrawn.

10 11:40:11 At the Show Cause Hearing I asked you
11 11:40:13 what information you presented to Elefterakis prior
12 11:40:17 to forming a business with him; do you recall that
13 11:40:20 testimony?

14 11:40:20 A Uh-huh.

15 11:40:21 Q Yes?

16 11:40:22 A Yes.

17 11:40:22 Q Your answer was that you presented him
18 11:40:24 with two invoices, correct?

19 11:40:27 A Yes.

20 11:40:27 Q You didn't provide any other information,
21 11:40:30 correct?

22 11:40:31 A Yes.

23 11:40:32 Q So at the Show Cause Hearing, you were not
24 11:40:34 telling the truth when you answered this question,
25 11:40:36 correct?

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1 S. Abdulrahim Gelardi

2 11:40:37 A Wrong. I presented Mr. Elefterakis with
3 11:40:40 two invoices.

4 11:40:42 Q You testified earlier that the only reason
5 11:40:44 you went to Roman was to reach Elefterakis, correct?

6 11:40:47 A Correct.

7 11:40:49 Q When you sent Roman information and spoke
8 11:40:51 to him, it was not to get a consensus or a decision
9 11:40:53 from Roman, correct?

10 11:40:58 A To get a decision from Roman?

11 11:41:00 Q Correct, on whatever it is that you wanted
12 11:41:04 to get an answer for.

13 11:41:08 A Roman wasn't a decision-maker.

14 11:41:10 Q That's right. You only reached out to
15 11:41:12 Roman to reach Greg, correct?

16 11:41:14 A Correct.

17 11:41:15 Q Regardless of whether you sent it directly
18 11:41:18 to Greg or to Roman, your purpose was always to
19 11:41:22 reach Greg, correct?

20 11:41:23 MR. WARNER: Objection to form.

21 11:41:26 A I wanted to talk to Greg.

22 11:41:29 Q When you sent this email to Roman, it was
23 11:41:33 designed to get the attention of Greg, correct?

24 11:41:37 A Not necessarily, no.

25 11:41:39 Q When you sent this email to Roman, it was

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1 S. Abdulrahim Gelardi

2 11:41:42 understood that Roman would present it to Greg,

3 11:41:44 correct?

4 11:41:45 A Not necessarily, no.

5 11:41:47 Q Why?

6 11:41:48 MR. WARNER: Objection to form.

7 11:41:52 Q Why is your answer, not necessarily?

8 11:41:56 A Roman is a smart guy. We can discuss

9 11:41:58 business, talk about stuff.

10 11:42:02 Q Is that what you intended to do when you

11 11:42:05 sent it to him?

12 11:42:06 A No. I just wanted to see if anyone has

13 11:42:08 come across this kind of business.

14 11:42:11 Q Isn't that the reason why you originally

15 11:42:12 sent him these P&Ls?

16 11:42:14 A It could have been just a duplicate.

17 11:42:16 Q This email from September of '17 is a

18 11:42:19 duplicate of the prior email from several months

19 11:42:22 ago?

20 11:42:23 A It could have been.

21 11:42:24 Q Well, is it?

22 11:42:26 A If it's the same email, isn't it a

23 11:42:27 duplicate?

24 11:42:31 Q This is not the same email. In the prior

25 11:42:32 email you didn't say you were coming over to see

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1 S. Abdulrahim Gelardi

2 11:42:32 him, correct?

3 11:42:36 A I guess not.

4 11:42:37 Q In this email, you're saying you are
5 11:42:38 coming to see him, correct?

6 11:42:41 A Yes.

7 11:42:41 Q When you sent this email, did you go and
8 11:42:44 see Roman?

9 11:42:48 A Possibly.

10 11:42:49 Q You don't recall?

11 11:42:50 A No, I don't recall.

12 11:42:54 Q For your cellphone you use an iPhone,
13 11:42:56 correct?

14 11:42:57 A Yes.

15 11:42:59 Q Do you ever use the application called
16 11:43:02 Google Maps?

17 11:43:04 A Not for local areas, no.

18 11:43:08 Q From time to time when you're going
19 11:43:10 somewhere, have you come to use the application
20 11:43:13 Google Maps?

21 11:43:14 A Yes.

22 11:43:15 Q Google Maps is an application installed on
23 11:43:17 your phone, correct?

24 11:43:19 A Yes.

25 11:43:20 Q Are you familiar with the timeline feature

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1 S. Abdulrahim Gelardi

2 11:43:22 on Google Maps?

3 11:43:23 A No.

4 11:43:24 Q Are you aware that Google Maps oftentimes
5 11:43:26 automatically tracks your location history?

6 11:43:30 A I'm sure.

7 11:43:31 Q If you were to look through your phone for
8 11:43:34 the date September 29, 2017, would you be able to
9 11:43:39 determine whether you met with Roman Pollak that
10 11:43:41 day?

11 11:43:42 MR. WARNER: Objection to form.

12 11:43:43 A I don't think so. I'm not very
13 11:43:44 tech-savvy.

14 11:43:45 MR. KATAEV: We are going to call for the
15 11:43:47 production of all timeline history for
16 11:43:49 September 29, 2017 to ascertain whether a
17 11:43:52 meeting was held with Roman Pollak given your
18 11:43:55 inability to recall. We will follow up in
19 11:43:58 writing.

20 11:43:59 (Counsel Request.)

21 11:43:59 BY MR. KATAEV:

22 11:44:00 Q When you sent this email to Roman, did you
23 11:44:02 have any reason to believe that he would not -- that
24 11:44:05 Roman would not show this information to Greg?

25 11:44:08 MR. WARNER: Objection to form.

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1 S. Abdulrahim Gelardi

2 11:44:11 A I can't answer to what Roman would do.

3 11:44:15 Q Do you recall meeting with Roman --

4 11:44:22 withdrawn.

5 11:44:23 Do you recall meeting with Roman by

6 11:44:25 himself or Roman and Greg following this email?

7 11:44:32 A When I met with Greg, it was Greg, myself

8 11:44:36 and Roman.

9 11:44:37 Q What about an Anthony Bridda, B-r-i-d-d-a,
10 11:44:41 was he present as well?

11 11:44:43 A Not at the first meeting, no.

12 11:44:51 Q With respect to my prior question, my
13 11:44:53 question was: Do you have any reason to believe
14 11:44:57 that whatever you sent to Roman would not go to
15 11:45:01 Greg?

16 11:45:02 MR. WARNER: Objection to form.

17 11:45:07 A I don't think Greg is the type of guy that
18 11:45:10 just entertains anything. I don't know what Roman
19 11:45:13 would do.

20 11:45:16 MR. KATAEV: Move to strike as
21 11:45:16 nonresponsive.

22 11:45:17 Q The question I have is: When you sent an
23 11:45:21 email to Roman, is it your understanding that it
24 11:45:22 went to Greg; yes or no?

25 11:45:25 A No.

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1 S. Abdulrahim Gelardi

2 11:45:26 Q Why?

3 11:45:26 MR. WARNER: I'm sorry, why didn't it go
4 11:45:29 or why is that her understanding?

5 11:45:33 MR. KATAEV: Why isn't that her
6 11:45:36 understanding?

7 11:45:38 A It just wasn't something that I thought
8 11:45:41 would go to Greg.

9 11:45:43 Q What was the reason you sent this email to
10 11:45:46 Roman?

11 11:45:47 A For the same reason I sent it to Jay.

12 11:45:56 Q We went over this already.

13 11:45:59 MR. WARNER: Objection to form.

14 11:46:00 MR. KATAEV: I didn't finish asking the
15 11:46:01 question.

16 11:46:02 MR. WARNER: Exactly.

17 11:46:02 BY MR. KATAEV:

18 11:46:03 Q We went over this already. You testified
19 11:46:09 yesterday that your earlier email to Roman Pollak in
20 11:46:13 or about May of 2017 was sent for the purpose of
21 11:46:18 determining whether it was accurate. Why would you
22 11:46:22 send this email four months later to determine
23 11:46:24 whether it's accurate?

24 11:46:27 A Maybe he didn't see it. I don't know.

25 11:46:30 Q Is that why you did it?

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1 S. Abdulrahim Gelardi

2 11:46:32 A It's possible.

3 11:46:33 Q You don't know?

4 11:46:34 A No, I don't recall why I sent an email in
5 11:46:36 September of 2017.

6 11:46:38 Q You don't recall one way or the other?

7 11:46:41 A Why? No, I do not.

8 11:47:07 MR. KATAEV: Let's mark this 36.

9 11:47:15 (Plaintiff's Exhibit 36, Marked for Identification.)

10 11:47:15 BY MR. KATAEV:

11 11:47:35 Q Ms. Gelardi, I have handed to you what has
12 11:47:37 been marked as Plaintiff's 36, which I will
13 11:47:42 represent to you is a September 25, 2017 email
14 11:47:44 between yourself and Roman Pollak.

15 11:47:46 Do you recognize this email exchange?

16 11:47:48 A Yes.

17 11:47:49 Q In this email exchange, the original email
18 11:47:51 is from you on Sunday, September 24, 2017 to Roman
19 11:47:59 asking him for a meeting, correct?

20 11:48:13 MR. WARNER: What page is that?

21 11:48:14 MR. KATAEV: Top page.

22 11:48:23 Q If you look in the middle, Hi Roman.

23 11:48:28 You sent this email to get a meeting
24 11:48:30 with Roman, correct?

25 11:48:31 A That's not what it says.

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1 S. Abdulrahim Gelardi

2 11:48:34 Q The emails says from you to him, Hi Roman.

3 11:48:37 I will be in the city on Monday. I was wondering if

4 11:48:41 I can drop by to see the office, correct?

5 11:48:45 A Yes.

6 11:48:46 Q When you say drop by, you mean drop by to

7 11:48:49 see him, correct?

8 11:48:51 A It says drop by to see the office.

9 11:48:54 Q Where he works, correct?

10 11:48:55 A Correct.

11 11:48:56 Q You sent this email to meet with him,

12 11:48:58 correct?

13 11:48:59 A I don't think I was going to meet with

14 11:49:02 Roman. It doesn't say anything about me meeting

15 11:49:04 with Roman.

16 11:49:05 Q You state in this email that you will be

17 11:49:08 conducting interviews for IME pros Wednesday to

18 11:49:12 Friday, correct?

19 11:49:13 A Yes.

20 11:49:13 Q The interviews are for individuals that

21 11:49:16 you wanted to hire or engage to observe IMEs,

22 11:49:19 correct?

23 11:49:21 A Correct.

24 11:49:22 Q By this point in time, did you already

25 11:49:25 leave your job with the bank?

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1 S. Abdulrahim Gelardi

2 11:49:27 A No.

3 11:49:27 Q You were still working at the bank,
4 11:49:29 correct?

5 11:49:29 A Correct.

6 11:49:30 Q You asked him --

7 11:49:32 A I believe so.

8 11:49:33 Q You asked Roman in this email whether you
9 11:49:35 can use his office to conduct those interviews,
10 11:49:38 correct?

11 11:49:40 A Yes.

12 11:49:41 Q You also wanted to talk to him about the
13 11:49:46 IME observer business, correct?

14 11:49:51 A You know what, Mr. Kataev, I'm going to
15 11:49:53 retract my statement. It doesn't say I will be
16 11:49:56 using his office.

17 11:49:58 Q I'm reading here the final sentence.

18 11:50:02 A I'm sorry. Okay, go ahead.

19 11:50:04 Q It does say that you want to use his
20 11:50:06 office to conduct the interviews, correct?

21 11:50:15 A It doesn't say I was going to use his
22 11:50:18 office to conduct interviews, Mr. Kataev.

23 11:50:20 Q Did you conduct interviews for individuals
24 11:50:23 you wanted to hire or engage for conducting
25 11:50:29 observations of IMEs at the office of where Roman

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1 S. Abdulrahim Gelardi

2 11:50:32 worked?

3 11:50:33 A Yes.

4 11:50:40 Q In response to your email the following
5 11:50:42 day, Roman says, Sure, text or call me, correct?

6 11:50:47 A Where do you see that? Okay, yes.

7 11:50:54 Q Roman said, Text or call me because you
8 11:50:59 had his cellphone number already, correct?

9 11:51:02 A Yes.

10 11:51:06 Q He didn't provide his number because --
11 11:51:08 withdrawn.

12 11:51:10 You had been routinely texting and
13 11:51:13 calling Roman prior to this email, correct?

14 11:51:19 A Wrong. Routinely, what does that mean?

15 11:51:22 MR. KATAEV: Withdrawn.

16 11:51:32 Q At this meeting with -- withdrawn.

17 11:51:35 Before doing the interviews at
18 11:51:37 Roman's -- at the office where Roman works, did you
19 11:51:40 speak with Roman about the IME business?

20 11:51:44 A No. Roman was just someone who made an
21 11:51:49 introduction to Greg. We talked about it, but he
22 11:51:52 wasn't any key person in the business.

23 11:51:57 Q In this email, you said that you wanted to
24 11:51:59 chat with Roman briefly on moving the IME pro
25 11:52:03 business forward, correct?

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1 S. Abdulrahim Gelardi

2 11:52:05 A Yes.

3 11:52:05 Q Did you not have that discussion with him
4 11:52:07 before giving interviews?

5 11:52:09 A I might have.

6 11:52:10 Q What did you say to him and what did he
7 11:52:12 say to you?

8 11:52:13 A Again, Roman, there was a personal
9 11:52:17 relationship. It wasn't -- he was not a key
10 11:52:22 decision-maker in any of this.

11 11:52:24 Q My question is: Did you chat with him
12 11:52:26 briefly before moving forward in the IME pros
13 11:52:30 business as state in your --

14 11:52:32 A I chatted with him many times, Mr. Kataev.

15 11:52:35 Q My question refers to the day that you
16 11:52:37 went to the office to conduct interviews.

17 11:52:40 A There is no way I can remember whether I
18 11:52:41 chatted with him that day.

19 11:52:42 Q You don't remember one way or the other,
20 11:52:44 correct?

21 11:52:45 A Yes.

22 11:52:46 Q Roman Pollak, like Greg, ultimately became
23 11:52:48 a member of IME Companions, LLC, correct?

24 11:52:52 A Yes.

25 11:52:53 Q He was, in fact, a business partner of

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1 S. Abdulrahim Gelardi

2 11:52:55 yours, correct?

3 11:52:56 A Yes.

4 11:53:10 Q So Roman Pollak was also involved in the
5 11:53:14 business, correct?

6 11:53:15 A Yes.

7 11:53:21 Q And just referring between Plaintiff's
8 11:53:24 Exhibit 36 and 35, you sent Roman the profit and
9 11:53:31 loss statements a few days after you met with him,
10 11:53:34 correct?

11 11:53:35 A A few days after?

12 11:53:37 Q Correct. Look at the two emails. 35 is
13 11:53:40 dated Friday, September 29th and --

14 11:53:45 A Yes, that's what it shows.

15 11:53:48 Q My question is: Does this refresh your
16 11:53:50 recollection as to why you sent the P&L statements a
17 11:53:55 second time?

18 11:53:59 A It's possible, Mr. Kataev.

19 11:54:03 Q Do you remember why you sent him the P&L
20 11:54:05 statements again?

21 11:54:06 A No, I do not.

22 11:54:08 MR. KATAEV: 37.

23 11:54:22 (Plaintiff's Exhibit 37, Marked for Identification.)

24 11:54:41 (Witness perusing document.)

25

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1 S. Abdulrahim Gelardi

2 11:54:41 BY MR. KATAEV:

3 11:54:52 Q I have handed you what's been marked as
4 11:54:54 Plaintiff's Exhibit 37, which I will represent to
5 11:54:58 you is an October 3, 2017 email again between you
6 11:55:01 and Roman Pollak. The subject is, IME Watchdog P&L
7 11:55:05 last three years. Do you recognize this document,
8 11:55:08 this email?

9 11:55:10 A Yes.

10 11:55:11 Q This is an email that Roman sent you in
11 11:55:15 response to your email containing the three years of
12 11:55:21 P&L statements from IME Watchdog, correct?

13 11:55:26 A I'm sorry, state that again. This email
14 11:55:29 is what, a response to what?

15 11:55:32 MR. KATAEV: She will read it back.
16 11:55:34 (Whereupon, the referred to question was read back
17 11:55:34 by the reporter.)

18 11:55:49 A Yes.

19 11:55:53 Q It's fair to say that Roman is conducting
20 11:55:55 an analysis of what's contained in the profit and
21 11:55:58 loss statements, correct?

22 11:56:02 A Looks like he had questions.

23 11:56:05 Q You agree with me that the profit and loss
24 11:56:07 statements are confidential information, correct?

25 11:56:15 A Yes.

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1 S. Abdulrahim Gelardi

2 11:56:15 Q It's not something that you would have

3 11:56:17 access to, correct?

4 11:56:18 A Yes.

5 11:56:18 Q It's not like the website where you could

6 11:56:20 just go online and anyone could look at it, correct?

7 11:56:21 A Correct.

8 11:56:26 Q He sent you this email with this analysis

9 11:56:29 to assess whether he and Greg would be interested in

10 11:56:35 going into business with you on this type of

11 11:56:39 venture, correct?

12 11:56:40 MR. WARNER: Objection to form.

13 11:56:42 A I wouldn't know why -- what they're

14 11:56:45 thinking.

15 11:56:48 Q He says here that you would not have any

16 11:56:56 similar expenses for you utilities; do you see that?

17 11:57:04 MR. WARNER: Actually it says, we, not

18 11:57:07 you.

19 11:57:09 Q You two together.

20 11:57:12 A Where?

21 11:57:12 Q The third line.

22 11:57:14 A Utilities.

23 11:57:18 Q But then again, we won't have any similar

24 11:57:19 expenses.

25 11:57:22 A Uh-huh.

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1 S. Abdulrahim Gelardi

2 11:57:23 Q Why did he say that?

3 11:57:25 A I don't know.

4 11:57:26 Q Why would you not have any similar
5 11:57:28 expenses for utilities?

6 11:57:30 A I have no idea, Mr. Kataev.

7 11:57:32 Q You -- up until this point, October 3rd,
8 11:57:35 2017, you had not met with Greg yet personally,
9 11:57:39 correct?

10 11:57:41 A I don't remember the first time I met with
11 11:57:43 Greg.

12 11:57:44 Q You did not meet with Greg until after you
13 11:57:46 provided these documents that you received from
14 11:57:49 Adam, correct?

15 11:57:53 A Yes. I met with Greg after I received the
16 11:57:55 documents from Adam.

17 11:57:59 Q You only got the meeting with Greg because
18 11:58:01 you sent these documents to Roman, correct?

19 11:58:05 MR. WARNER: Objection to form.

20 11:58:05 A No.

21 11:58:07 Q Previously you met with Greg to pitch the
22 11:58:10 medical malpractice screening business, correct?

23 11:58:15 A Yes.

24 11:58:15 Q He declined to enter into that venture,
25 11:58:17 correct?

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1 S. Abdulrahim Gelardi

2 11:58:18 A Yes.

3 11:58:19 Q Why did he decline to enter into that
4 11:58:23 venture?

5 11:58:24 A He wasn't interested.

6 11:58:26 Q What made him interested about this
7 11:58:28 business?

8 11:58:29 A I don't know.

9 11:58:31 Q You got the meeting with Greg after you
10 11:58:32 sent the documents to Roman, correct?

11 11:58:40 A I don't remember when Roman set up the
12 11:58:41 meeting.

13 11:58:47 Q In this email, Roman asked you, With
14 11:58:53 respect to the Commission of Labor expense and
15 11:58:57 lawyer expense, what is that; do you see that?

16 11:59:00 A Yes.

17 11:59:01 Q Did you provide him answers to those
18 11:59:03 questions?

19 11:59:04 A No. I don't know what that is.

20 11:59:07 Q Whenever you met with Greg or Roman or
21 11:59:10 Anthony, did you send each other an Outlook invite?

22 11:59:17 A No.

23 11:59:17 Q You did not have Outlook set up yet,
24 11:59:20 correct?

25 11:59:21 A We did not send invites. I'm not sure

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1 S. Abdulrahim Gelardi

2 11:59:24 when we set up Outlook.

3 11:59:26 Q You currently have Outlook for IME
4 11:59:29 Companions, correct?

5 11:59:30 A Yes.

6 11:59:38 Q In the September 29th email here below the
7 11:59:42 one where you say, See attached, coming to see you,
8 11:59:46 you only met with Roman that day, correct, not Greg?

9 11:59:51 A I don't remember, Mr. Kataev.

10 11:59:53 Q Do you remember meeting with just Roman on
11 11:59:55 the day you interviewed the potential Companions?

12 11:59:58 A No, I do not.

13 12:00:00 Q You don't know one way or the other
14 12:00:02 whether you met with Greg that day, correct?

15 12:00:05 A Yes.

16 12:00:06 MR. KATAEV: 38.

17 12:00:12 (Plaintiff's Exhibit 38, Marked for Identification.)

18 12:00:34 (Witness perusing document.)

19 12:00:34 BY MR. KATAEV:

20 12:00:44 Q I have placed in front of you what has
21 12:00:47 been marked as Plaintiff's Exhibit 38. I will
22 12:00:50 represent to you it's an email dated October 5,
23 12:00:53 2017, between Roman Pollak, yourself, Yaniv at
24 12:00:58 Lumina, as well as others at Lumina, correct?

25 12:01:01 A Yes.

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1 S. Abdulrahim Gelardi

2 12:01:03 Q In this email, Roman is providing answers
3 12:01:06 to questions that the website team has, correct?

4 12:01:12 A Yes.

5 12:01:13 Q The website team originally sent an email
6 12:01:16 on September 29, 2017, correct?

7 12:01:21 A Yes.

8 12:01:21 Q That email that was sent by Lumina was to
9 12:01:25 yourself and Roman, correct?

10 12:01:32 A Yes.

11 12:01:36 Q The first item that's raised, that Roman
12 12:01:41 responded to, concerns shared files; do you see
13 12:01:45 that?

14 12:01:45 A Yes.

15 12:01:47 Q What is your understanding of what those
16 12:01:49 shared files are?

17 12:01:51 A These files are just -- from my
18 12:01:54 understanding, it looks like just from Lumina maybe
19 12:02:02 pictures or stuff on how to start, you know --
20 12:02:05 shared files. When I built Med Mal, we had shared
21 12:02:12 files from the website, from the web developers on
22 12:02:17 what do you think about this picture or that
23 12:02:19 picture. Things like that.

24 12:02:21 Q It's a shared folder for website content,
25 12:02:23 correct?

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1 S. Abdulrahim Gelardi

2 12:02:25 A Yes.

3 12:02:25 Q In order to facilitate the shared folder,

4 12:02:27 Yaniv at Lumina or someone at Lumina provided what's

5 12:02:33 called a Google Drive folder, correct?

6 12:02:35 A Yes.

7 12:02:35 Q That's a folder that's hosted on the cloud

8 12:02:37 for you to upload files to, correct?

9 12:02:40 A Yes.

10 12:02:41 Q Similarly, Lumina could upload files to

11 12:02:44 it, correct?

12 12:02:45 A Uh-huh.

13 12:02:46 Q Yes?

14 12:02:46 A Yes.

15 12:02:47 MR. KATAEV: To the extent that you still

16 12:02:48 have access to the Google Drive folder, we ask

17 12:02:50 that you preserve that information and we are

18 12:02:50 going to call for the production of it and we

19 12:02:50 will follow up in writing.

20 12:02:55 (Counsel Request.)

21 12:02:55 BY MR. KATAEV:

22 12:02:56 Q Did you upload any content to the Google

23 12:03:00 Drive folder for Lumina Systems to use?

24 12:03:04 A I don't recall but I don't think so.

25 12:03:07 Q Do you recall whether any IME Watchdog

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1 S. Abdulrahim Gelardi

2 12:03:09 content was uploaded to the Google Drive folder?

3 12:03:13 A No, I don't recall. I don't believe any
4 12:03:17 Watchdog content was uploaded, but I don't recall.

5 12:03:27 Q Where did the content come from for IME
6 12:03:30 Companions?

7 12:03:32 A Online.

8 12:03:34 Q Online?

9 12:03:35 A Yes. Everything from the internet.

10 12:03:37 Q You copied items from the internet?

11 12:03:40 A We researched it and wrote it.

12 12:03:43 Q Where specifically from online did you
13 12:03:46 obtain this information?

14 12:03:49 A We used Google, we used IME Watchdog for
15 12:03:54 the understanding of the business, for Yaniv to
16 12:03:57 understand what it is because it was brand new,
17 12:04:00 there was no other at the time --

18 12:04:06 Q There was no other what?

19 12:04:07 A There was no other service similar at the
20 12:04:10 time, so we used it for him to understand what the
21 12:04:14 service is.

22 12:04:15 Q At the time that you sought to establish
23 12:04:16 IME Companions, was IME Watchdog the only business
24 12:04:20 in that realm?

25 12:04:21 A I believe so, but I'm not sure. There

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1 S. Abdulrahim Gelardi

2 12:04:23 would have been others.

3 12:04:25 Q Going to the second page.

4 12:04:28 A Yes.

5 12:04:28 Q At the top it says, Five, company

6 12:04:32 information. Roman wrote in response to questions

7 12:04:41 about company information, and I quote, As explained

8 12:04:45 in previous email from Safa (and our meeting),

9 12:04:50 90 percent of the content will come from the IME

10 12:04:53 Watchdog website and the brochure provided by Safa.

11 12:04:56 Do you see that?

12 12:04:58 A Yes.

13 12:04:58 Q You used virtually all of the content from

14 12:05:03 the IME Watchdog site to form the Companions

15 12:05:08 website, correct?

16 12:05:09 A No.

17 12:05:13 Q How much percentage of the IME Watchdog

18 12:05:19 did you use to form the IME Companions website?

19 12:05:22 A We didn't use the IME Watchdog content.

20 12:05:26 We used IME Watchdog website for the web developer

21 12:05:31 to understand what the service was that was being

22 12:05:34 provided.

23 12:05:35 Q But this email says from Roman that

24 12:05:37 90 percent of the content will come from the IME

25 12:05:41 Watchdog site, correct?

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1 S. Abdulrahim Gelardi

2 12:05:44 A This email again was written by Adam

3 12:05:46 originally and forwarded to Yaniv. This is not --

4 12:05:50 this is a copy and paste of a previous email from

5 12:05:53 Adam and you saw that and you presented it.

6 12:05:59 Q In this email, Roman states that the team

7 12:06:03 members will consist of you, your husband, Roman and

8 12:06:06 Anthony, correct?

9 12:06:07 A Yes.

10 12:06:07 Q How come Greg's name is not listed --

11 12:06:10 MR. WARNER: It doesn't state that.

12 12:06:24 You're quoting from the 9/29 email from Lumina.

13 12:06:27 MR. KATAEV: Go to the second page.

14 12:06:30 MR. WARNER: I am.

15 12:06:33 MR. KATAEV: 5A, team members.

16 12:06:35 MR. WARNER: Five follows four follows one

17 12:06:36 which is, Hi Safa and Roman.

18 12:06:40 MR. KATAEV: You see the rest? These are

19 12:06:40 Roman's additions to the email. You don't have

20 12:06:40 it in color, I can get you a color copy.

21 12:06:40 Let's go off the record for a second.

22 12:07:05 THE VIDEOGRAPHER: The time is 12:07 p.m.

23 12:07:08 We are going off the record.

24 12:07:11 (Whereupon, an off-the-record discussion was held.)

25 12:15:43 THE VIDEOGRAPHER: The time is 12:15 p.m.

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2 12:15:44 We are back on the record.

3 12:16:48 (Whereupon, the referred to question was read back
4 12:16:48 by the reporter.)

5 12:16:53 MR. KATAEV: We are back on the record.

6 12:16:54 We had an issue with Plaintiff's 38. The
7 12:16:57 copies were not in color and it was not evident
8 12:17:01 that the items in red were responses by Roman
9 12:17:04 Pollak to the questions by Lumina.

10 12:17:08 Now that the witness and my esteemed
11 12:17:12 opposing counsel have been provided with color
12 12:17:17 copies, I make a representation that Roman
13 12:17:19 Pollak responded to the questions by Lumina in
14 12:17:26 red, and my question was with respect to 5A
15 12:17:29 listing the team members, Roman listed Safa and
16 12:17:35 Vito as well as himself and Anthony as team
17 12:17:38 members, but did not list Greg.

18 12:17:42 BY MR. KATAEV:

19 12:17:42 Q And my question was why, to your
20 12:17:42 knowledge, why was Greg not listed?

21 12:17:47 A I really don't know.

22 12:17:50 Q What was Greg's role?

23 12:17:55 A Greg was -- he was a partner.

24 12:17:59 Q Was Greg the vice president?

25 12:18:02 A I don't know what Greg's role was.

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1 S. Abdulrahim Gelardi

2 12:18:05 Q Earlier with respect to your testimony

3 12:18:07 concerning the response to five, company information

4 12:18:11 that Roman had, you stated that 90 percent of the

5 12:18:13 content will come from the IME Watchdog site because

6 12:18:16 there was really no other place to obtain that kind

7 12:18:20 of information from, correct?

8 12:18:24 MR. WARNER: Objection to form.

9 12:18:27 Q You can answer.

10 12:18:27 A Repeat that, please.

11 12:18:29 (Whereupon, the referred to question was read back

12 12:18:29 by the reporter.)

13 12:19:24 A I did not state that there was no other

14 12:19:26 place, Mr. Kataev.

15 12:19:27 Q What did you state?

16 12:19:29 A What I stated was it was a reference for

17 12:19:32 them to understand the business.

18 12:19:34 Q That's because IME Watchdog was a unique

19 12:19:37 business and the only business of its kind at the

20 12:19:40 time, correct?

21 12:19:41 A I'm not sure of that. I knew that IME

22 12:19:44 Watchdog existed, though.

23 12:19:45 Q You did not know of any other business,

24 12:19:47 correct?

25 12:19:48 A No, I did not.

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2

12:19:49 Q Under 5B, Office Locations, Roman listed

3

12:19:53 520 Eighth Avenue, Suite 1001, New York, New York

4

12:19:56 10018, correct?

5

12:19:58 A Yes.

6

12:19:59 Q That's the office where him, Greg and

7

12:20:02 Anthony work, correct?

8

12:20:04 A Yes.

9

12:20:05 Q That office was the office of Law Cash?

10

12:20:11 A Case Cash.

11

12:20:13 Q Case Cash; is that correct?

12

12:20:14 A Correct.

13

12:20:17 Q Did IME Companions operate out of the same

14

12:20:20 address as Case Cash?

15

12:20:22 A We did.

16

12:20:23 Q How long did that go on for?

17

12:20:28 MR. WARNER: I'm sorry, did you say

18

12:20:28 Watchdogs or Companions?

19

12:20:33 MR. KATAEV: Companions.

20

12:20:34 Just for the record, the question about

21

12:20:36 the office was related to Companions.

22

12:20:40 What was the last question, please?

23

12:20:42 (Whereupon, the referred to question was read back

24

12:20:42 by the reporter.)

25

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2 12:20:42 BY MR. KATAEV:

3 12:20:49 Q How long did IME Companions operate out of
4 12:20:52 the Eighth Avenue address?

5 12:20:54 A Up until we purchased the 50 percent share
6 12:21:00 from Greg, Roman and Bridda.

7 12:21:03 Q Which occurred in 2018, correct?

8 12:21:06 A Yes.

9 12:21:08 Q At the time that you purchased your
10 12:21:10 interest in Companions back from Greg, Roman and
11 12:21:15 Anthony, you moved from the Eighth Avenue address to
12 12:21:19 a different location, correct?

13 12:21:24 A Did I move from --

14 12:21:25 Q The Eighth Avenue address to a different
15 12:21:28 location?

16 12:21:29 A I still continued using the Eighth Avenue
17 12:21:32 address.

18 12:21:34 Q Even after you purchased the shares?

19 12:21:36 A Oh, I'm sorry.

20 12:21:37 Q That's my question.

21 12:21:38 A You're asking after we parted ways?

22 12:21:40 Q Correct.

23 12:21:42 A Yes. We no longer worked from Eighth
24 12:21:44 Avenue.

25 12:21:45 Q The 520 Eighth Avenue address is the same

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2 12:21:48 address that you went to conduct the interviews in

3 12:21:50 September of '17, correct?

4 12:21:53 A Yes.

5 12:21:56 Q It has a conference room, this office?

6 12:22:00 A Yes. There is a conference room.

7 12:22:02 Q Did you use the conference room?

8 12:22:04 A I used Greg's office because Greg was

9 12:22:06 never there.

10 12:22:07 Q Why is Greg never at his office?

11 12:22:12 A I don't know.

12 12:22:12 Q Under seven, photos/videos, Roman

13 12:22:20 responded that, There will be an animation video

14 12:22:22 depicting the IME benefits and process similar to

15 12:22:30 that of IME Watchdogs (but better!), right?

16 12:22:36 A Yes.

17 12:22:40 Q When Roman is referring to the animation

18 12:22:42 video, he references an animation video because the

19 12:22:47 IME Watchdog website has such a video, correct?

20 12:22:51 A Mr. Kataev, this was Adam's initial email.

21 12:22:55 It was copied and pasted. These are Adam's words.

22 12:23:01 Q Are you saying that the words in red are

23 12:23:04 Adam's words?

24 12:23:05 A The initial email sent of what he wanted

25 12:23:08 to build in his IME business after he destroys

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1 S. Abdulrahim Gelardi

2 12:23:13 Daniella Levi, this is his initial email.

3 12:23:19 Q And you used this email, correct?

4 12:23:22 A It was sent to -- it was forwarded to the
5 12:23:25 website company so that they can get information on
6 12:23:32 what the service is.

7 12:23:36 Q My question to you is not about the
8 12:23:38 initial email that's in black text. My question to
9 12:23:43 you is about the red text that's coming from Roman,
10 12:23:46 and my question is: When Roman is referring to the
11 12:23:50 animation video depicting the IME video benefits and
12 12:23:55 process, is he referring to the same type of
13 12:23:58 animation video that was depicted on IME Watchdog's
14 12:24:00 website?

15 12:24:03 A No. I think you guys totally got this
16 12:24:06 email wrong. Roman didn't really have much. He was
17 12:24:14 included. He didn't have really much -- we had to
18 12:24:18 include him for the purpose of Greg knowing what's
19 12:24:23 going on, but this is the same email that Adam sent.

20 12:24:28 They are just replying to -- the red
21 12:24:31 is all by Lumina. It's not by -- I don't believe
22 12:24:34 it's from Roman. I think it's from Lumina.

23 12:24:37 Q Let me direct your attention to the first
24 12:24:40 page at the top of the email. The top of the email
25 12:24:42 says it was sent on October 5, 2017 from Roman

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2 12:24:45 Pollak, correct?

3 12:24:47 A Okay.

4 12:24:47 Q And then it says at the top in the

5 12:24:49 message, Please see responses below in red.

6 12:24:54 A Okay. I'm sorry.

7 12:24:57 Q Do you agree with me that the responses in

8 12:24:59 red are by Roman?

9 12:25:00 A No, they are not by Roman. They are not

10 12:25:03 by Roman. You don't understand the email. That's

11 12:25:06 why I'm trying to explain it to you. Again, this

12 12:25:09 was sent to Lumina. Lumina was responding to the

13 12:25:14 initial email. All the reds are from Lumina. They

14 12:25:18 are not from Roman.

15 12:25:19 Q Adam is not on this email, correct?

16 12:25:22 A Yes.

17 12:25:24 Q He's not on the September 29th email nor

18 12:25:26 is he on the October 5th email, correct?

19 12:25:30 A Yes.

20 12:25:33 Q You're telling me -- your testimony today

21 12:25:35 is that even though Roman it says in this email,

22 12:25:38 Please see responses below in red. You're telling

23 12:25:40 me this red text is not Roman?

24 12:25:44 A No. I believe what Roman was doing was

25 12:25:46 sending it to me so I can reply to Lumina. The red,

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1 S. Abdulrahim Gelardi

2 12:25:50 I believe, is from Lumina.

3 12:25:54 Q Okay.

4 12:25:56 A That's their questions that they want
5 12:25:58 answers to.

6 12:26:04 Q I'm going to place in front of you what
7 12:26:06 has previously marked as Plaintiff's Exhibit 26. A
8 12:26:10 copy to counsel.

9 12:26:22 (Witness perusing document.)

10 12:26:22 BY MR. KATAEV:

11 12:26:51 Q You testified at your deposition yesterday
12 12:26:56 that all of the Zelle payments that you made were
13 12:26:59 for IME interpreters at no-fault examinations,
14 12:27:04 corrects?

15 12:27:07 A Correct.

16 12:27:10 Q Generally speaking, whenever you invoice a
17 12:27:14 law firm customer for observing an IME, there is a
18 12:27:18 flat fee for the first hour and an hourly fee for
19 12:27:23 every hour thereafter, correct?

20 12:27:25 A Correct.

21 12:27:25 Q You generally charge \$175 for the first
22 12:27:29 hour of the IME, correct?

23 12:27:31 A Correct.

24 12:27:32 Q You charged that amount because you knew
25 12:27:34 that IME Watchdog's initial hourly rate was higher,

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2 12:27:38 correct?

3 12:27:40 A That was the figure we decided on,

4 12:27:42 correct.

5 12:27:44 Q You were able to make a decision on that

6 12:27:46 figure because Adam informed you and you had the

7 12:27:49 invoice showing what IME Watchdog charges for the

8 12:27:53 initial hour, correct?

9 12:27:55 A Yes.

10 12:27:59 Q What was the hourly rate you charged for

11 12:28:03 every subsequent hour to observe on IME?

12 12:28:05 A \$45.

13 12:28:06 Q \$45 an hour, correct?

14 12:28:10 A Correct.

15 12:28:11 Q You made that decision also because you

16 12:28:12 knew what IME Watchdog charged for every subsequent

17 12:28:15 hour, correct?

18 12:28:17 A Correct.

19 12:28:17 Q That's because you had the invoices from

20 12:28:19 Adam, correct?

21 12:28:21 A Correct.

22 12:28:21 Q In order for you to invoice a law firm

23 12:28:27 customer, you need to ascertain from an observer or

24 12:28:30 an interpreter how long they were at each IME,

25 12:28:35 correct?

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2 12:28:36 A Correct.

3 12:28:36 Q You obtained that information by
4 12:28:39 communicating with your observer, correct?

5 12:28:42 A Correct.

6 12:28:42 Q How does IME Companions generally go about
7 12:28:47 obtaining that information from a Companion?

8 12:28:50 A Through their reports.

9 12:28:52 Q When you receive a completed IME report
10 12:28:54 from a Companion, the duration that they were there
11 12:28:58 is listed on the report, correct?

12 12:29:00 A Correct.

13 12:29:01 Q Other than receiving the report, is there
14 12:29:04 any other method by which you ascertain how long an
15 12:29:08 observer attends an IME?

16 12:29:11 A Sometimes they would submit their hours.

17 12:29:14 Q How did they go about doing that,
18 12:29:16 generally speaking?

19 12:29:17 A Generally speaking, it could be verbal, it
20 12:29:20 can be email. They submit their hours.

21 12:29:23 Q You keep track of that information in a
22 12:29:26 master list that you keep on a monthly basis,
23 12:29:28 correct?

24 12:29:29 A Correct.

25 12:29:30 Q That's something that you still do today

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2 12:29:32 for your business, correct?

3 12:29:33 A Correct.

4 12:29:37 Q Whenever you, as you claim, hired an IME

5 12:29:41 interpreter through Adam, how did you ascertain how

6 12:29:46 long the IME interpreter was present?

7 12:29:49 A The IME interpreters usually went in

8 12:29:54 immediately because the client was already there.

9 12:29:56 They were last minute.

10 12:30:01 Q Did you charge for the IME interpreter to

11 12:30:04 your customer by the hour?

12 12:30:06 A Correct.

13 12:30:07 Q It was the same rate?

14 12:30:09 A Yes.

15 12:30:10 Q Did you charge \$175 for the initial hour

16 12:30:13 for the Companion and \$175 for the interpreter?

17 12:30:17 A No Companions. We charged the same

18 12:30:20 whether it would be an interpreter or a Companion,

19 12:30:23 the invoice was the same.

20 12:30:25 Q You charged by the hour even if there were

21 12:30:29 offices that require people to wait three hours?

22 12:30:33 A Correct.

23 12:30:40 Q What program did you use to keep track on

24 12:30:43 a monthly basis, each IME?

25 12:30:47 A What program?

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2 12:30:48 Q If any.

3 12:30:50 A You mean what software?

4 12:30:52 Q Yes.

5 12:30:54 A I would keep track through Excel.

6 12:30:57 Q Okay. In terms of the Companions that you
7 12:31:04 hired, they would send you an invoice, correct?

8 12:31:10 A No.

9 12:31:10 Q How did you know what to pay each
10 12:31:16 Companion or interpreter?

11 12:31:19 A Like I said, they would submit their hours
12 12:31:22 either verbally through the reports or sometimes via
13 12:31:33 email.

14 12:31:33 Q Just to make sure I understand, how do you
15 12:31:37 know how long each IME lasted?

16 12:31:44 A The interpreters -- my Companions would
17 12:31:48 submit a report where I would know how long they
18 12:31:52 were there or they would call and say to me, I was
19 12:31:57 there for this time. I believe I answered this
20 12:32:00 question. It's either verbal, it's either via email
21 12:32:06 or through reports.

22 12:32:07 Q Regardless of how they did it, you have a
23 12:32:11 record of how much time all the Companions spent at
24 12:32:14 each IME?

25 12:32:15 A For the most part, yes.

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2 12:32:18 Q The records include the Companion's name
3 12:32:20 and how much time they spent, correct?

4 12:32:23 A Yes.

5 12:32:25 Q Yesterday, as I recall, your testimony was
6 12:32:28 that if a Watchdog interpreter was sent by and
7 12:32:33 through Adam at your request, you would notate the
8 12:32:40 record with WD, correct?

9 12:32:42 A For the most part, sometimes. Not all the
10 12:32:43 time.

11 12:32:43 Q How would you know what to bill your
12 12:32:46 customer if you didn't note it in your sheet?

13 12:32:49 A When we used the independent contractors
14 12:32:53 that also worked for Watchdog, we only charged one
15 12:32:57 hour.

16 12:33:01 Q Why did you choose to only charge one
17 12:33:03 hour?

18 12:33:04 A Because they were only there -- it was
19 12:33:07 they were last minute and they were all one hour.

20 12:33:14 Q If by any chance the job took more than
21 12:33:17 one hour, you would take a loss on that?

22 12:33:20 A How would I take a loss on that?

23 12:33:24 Q Would you not get billed by the Watchdog
24 12:33:27 for the time that they spent regardless of whether
25 12:33:33 it was one hour or more?

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2 12:33:35 A Mr. Kataev, we billed \$175 for the first

3 12:33:38 hour, \$45 for each additional half-hour. They were

4 12:33:43 verbal responses most of the time of, this is how

5 12:33:46 long it took, and for the most part Watchdog

6 12:33:51 interpreters were there for an hour.

7 12:33:53 Q You always just charged one hour

8 12:33:55 regardless?

9 12:33:57 A For the most part. To the best of my

10 12:33:59 recollection, yes.

11 12:34:01 Q Did you ever charge more than one hour for

12 12:34:02 a Watchdog interpreter?

13 12:34:03 A I don't think so. Maybe, I don't think

14 12:34:04 so.

15 12:34:04 Q Just to confirm, you generally have

16 12:34:12 records for each Watchdog you used, correct?

17 12:34:18 MR. WARNER: I'm sorry, for what?

18 12:34:18 Q For each Watchdog interpreter you used,

19 12:34:20 correct?

20 12:34:22 MR. WARNER: Can you repeat that question

21 12:34:23 to me?

22 12:34:23 (Whereupon, the referred to question was read back

23 12:34:23 by the reporter.)

24 12:34:39 MR. WARNER: Objection to form. You can

25 12:34:39 answer.

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2 12:34:41 A To the best of my knowledge, yes.

3 12:34:44 Q What about with respect to Gabby who did
4 12:34:46 not serve as an interpreter but was actually serving
5 12:34:49 as an observer?

6 12:34:53 A What is the question, Mr. Kataev?

7 12:34:55 Q You have records for every time someone
8 12:34:57 like Gabby came?

9 12:34:58 A Yes.

10 12:35:03 MR. KATAEV: Again, we will call for the
11 12:35:04 production of those records to the extent they
12 12:35:07 were not produced by the forensic examination
13 12:35:09 and we will follow up in writing.

14 12:35:10 (Counsel Request.)

15 12:35:10 BY MR. KATAEV:

16 12:35:11 Q At your Show Cause Hearing when we showed
17 12:35:14 you these Zelle payments and asked you questions
18 12:35:17 about them, you pled the Fifth; do you recall that?

19 12:35:20 A Yes.

20 12:35:22 Q Why is it that you pled the Fifth on
21 12:35:26 April 4, 2022, but today you're providing an answer?

22 12:35:30 A My attorney told me to.

23 12:35:32 Q What did your attorney say to you and what
24 12:35:34 did you say to your attorney? You can answer.

25 12:35:46 A My attorney told me to plead the Fifth.

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2 12:35:49 Q Why?

3 12:35:49 A He did not state why.

4 12:35:52 Q What did you say to him about these Zelle
5 12:35:55 payments?

6 12:35:57 A I did not -- we didn't get a chance to
7 12:35:59 discuss them.

8 12:36:02 Q It's your testimony today that your
9 12:36:03 attorney saw these Zelle payment exhibits?

10 12:36:07 A You know what, Mr. Kataev, I don't recall.
11 12:36:10 All I know is my attorney told me to plead the
12 12:36:12 Fifth.

13 12:36:14 MR. KATAEV: We will subpoena your
14 12:36:15 attorney.

15 12:36:36 Q Do you have any recollection of the
16 12:36:37 conversation concerning the Zelle payments and the
17 12:36:39 advice to plead the Fifth?

18 12:36:41 MR. WARNER: Objection to form. You can
19 12:36:41 answer.

20 12:36:45 A I don't want to discuss any conversation I
21 12:36:46 had with my attorney.

22 12:36:51 MR. KATAEV: I will make this
23 12:36:53 representation for the record. Under Rule 30,
24 12:36:57 you're required to answer any question that I
25 12:37:00 ask unless your attorney specifically objects

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2 12:37:02 and instructs you not to answer.

3 12:37:04 BY MR. KATAEV:

4 12:37:05 Q When you stated that your attorney gave
5 12:37:08 you this advice or your prior attorney, you opened
6 12:37:11 the door to questions about it.

7 12:37:13 A Okay.

8 12:37:13 Q And that's why your attorney, who is very
9 12:37:15 experienced and very knowledgeable about the law, is
10 12:37:18 not objecting to it.

11 12:37:19 The Plaintiff is entitled to know the
12 12:37:21 answer to this question because it is inconsistent
13 12:37:23 with what you stated yesterday.

14 12:37:27 MR. WARNER: Objection to form.

15 12:37:27 BY MR. KATAEV:

16 12:37:28 Q I need to know the answer to the question
17 12:37:28 I previously asked.

18 12:37:28 What, if anything, do you recall
19 12:37:32 about your conversation with Mr. Siegler concerning
20 12:37:35 these Zelle exhibits and his instruction to you or
21 12:37:38 advice to you to plead the Fifth?

22 12:37:42 A I recall him telling me that he needed to
23 12:37:44 get more information on whether or not I should
24 12:37:49 disclose. So to plead the Fifth until he gets the
25 12:37:54 information that he needs to know.

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1 S. Abdulrahim Gelardi

2 12:37:58 Q What type of information was he looking
3 12:38:00 for?

4 12:38:02 A I don't know.

5 12:38:06 Q Going back to Gabby, is that the only
6 12:38:08 individual who served as a -- withdrawn.

7 12:38:12 Going back to Gabby, was that the
8 12:38:14 only individual who served as an observer for IMEs
9 12:38:17 from Watchdog?

10 12:38:21 A As an observer?

11 12:38:23 Q Correct.

12 12:38:24 A I believe so.

13 12:38:26 Q You had no direct contact with any other
14 12:38:31 Watchdog besides Gabby, correct?

15 12:38:33 A Yes.

16 12:38:47 Q You testified that Ishmael also assisted
17 12:38:52 you with covering IMEs, correct?

18 12:38:56 A I did not say that. I said I recall the
19 12:38:58 name Ishmael.

20 12:38:59 Q You don't know one way or the other
21 12:39:02 whether he actually observed or interpreted for an
22 12:39:05 IME you covered?

23 12:39:07 MR. WARNER: Objection to form. You can
24 12:39:07 answer it.

25 12:39:10 A I do remember hearing his name, Ishmael,

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2 12:39:14 and I also know that there was a time when Ishmael

3 12:39:20 was not employed, where he did work for me as an

4 12:39:25 observer, but at the time I was using interpreters,

5 12:39:28 I don't know exactly who the interpreter was.

6 12:39:32 Q Did Ishmael write any reports for you?

7 12:39:35 A I believe so.

8 12:39:36 Q Did you pay him for those reports

9 12:39:38 separately?

10 12:39:38 A Yes.

11 12:39:39 Q You did not pay Ishmael through Adam,

12 12:39:41 correct?

13 12:39:43 A Yes.

14 12:39:43 Q You have text messages and communications

15 12:39:45 with Ishmael?

16 12:39:47 A I believe so. He was not working for Adam

17 12:39:50 at the time that he was working for me, according to

18 12:39:57 Ishmael.

19 12:39:58 MR. KATAEV: We are going to call for the

20 12:40:00 production of all communications with Ishmael

21 12:40:00 and we will follow up in writing.

22 12:40:01 (Counsel Request.)

23 12:40:01 BY MR. KATAEV:

24 12:40:03 Q How would you know how long a Watchdog

25 12:40:05 interpreter was present for an IME if they would not

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2 12:40:08 tell you?

3 12:40:09 A The client would notify us that they are
4 12:40:11 done.

5 12:40:12 Q The client meaning the person that was
6 12:40:25 examined, correct?

7 12:40:26 A Yes.

8 12:40:26 MR. KATAEV: 39.

9 12:40:33 (Plaintiff's Exhibit 39, Marked for Identification.)

10 12:40:33 BY MR. KATAEV:

11 12:40:40 Q Was it your general practice to have
12 12:40:43 contact with the personal injury plaintiff that was
13 12:40:47 being examined?

14 12:40:54 A What was that again?

15 12:40:56 MR. KATAEV: Read it back.

16 12:40:57 (Whereupon, the referred to question was read back
17 12:40:57 by the reporter.)

18 12:41:13 A Yes. Sometimes, yes.

19 12:41:15 MR. KATAEV: We are going to call for the
20 12:41:18 production of all communications with any IME
21 12:41:21 personal injury plaintiff that was examined for
22 12:41:28 Companions or Watchdog in your possession,
23 12:41:30 custody and control.

24 12:41:30 (Counsel Request.)

25

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2 12:41:31 BY MR. KATAEV:

3 12:41:37 Q Before we get into this exhibit, I have
4 12:41:40 some more general questions. With respect to the
5 12:41:46 personal injury plaintiffs that would provide you
6 12:41:50 information about how long an IME took, how would
7 12:41:52 they go about telling you?

8 12:41:56 A Mr. Kataev, they would -- there were --
9 12:41:59 there is multiple ways.

10 12:42:01 Q What are all the ways?

11 12:42:02 A Verbally through the Companions, through
12 12:42:07 the Watchdogs interpreters, through the paralegals
13 12:42:11 that worked in the offices. There is multiple ways.

14 12:42:16 Q Did they ever send text messages or
15 12:42:18 emails?

16 12:42:18 A No. For the most part, it was verbal,
17 12:42:21 Your client is done or, The client is done or that
18 12:42:26 was it. The exams for the most part don't last more
19 12:42:32 than hour, especially no-fault exams.

20 12:42:36 Q Aside from Subin Associates, was it a
21 12:42:38 general practice for Companions to find out how long
22 12:42:41 an IME was from the individual examined?

23 12:42:47 MR. WARNER: Objection to form.

24 12:42:48 A I don't understand the question.

25 12:42:53 Q With respect to all customers, except

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2 12:42:55 Subin Associates, did Companions have a general
3 12:42:58 practice of finding out how long an IME took from
4 12:43:01 the personal injury plaintiff that was examined?

5 12:43:05 A For the most part, no. Sometimes, yes.

6 12:43:19 MR. KATAEV: We are going to call for the
7 12:43:21 production of records of all the independent
8 12:43:22 medical examinations that Companions claim they
9 12:43:26 paid Adam for, for the use of Watchdog
10 12:43:30 interpreters.

11 12:43:32 (Counsel Request.)

12 12:43:32 MR. KATAEV: Let's get into 39.

13 12:43:45 Withdrawn.

14 12:43:48 MR. WARNER: Is there a question pending?

15 12:43:49 BY MR. KATAEV:

16 12:43:50 Q When you say that the personal injury
17 12:43:52 plaintiff that was examined would inform you
18 12:43:55 sometimes, you're saying they would call you
19 12:43:58 directly to inform you?

20 12:44:01 A I would call them.

21 12:44:04 Q How do you have their contact information?

22 12:44:07 A The paralegal who booked the Companion
23 12:44:09 would give it to us.

24 12:44:12 Q For every Watchdog -- withdrawn.

25 12:44:16 For every independent medical

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2 12:44:17 examination that you obtained a Watchdog interpreter
3 12:44:20 for through Adam, would the personal injury
4 12:44:25 plaintiff call you and tell you verbally how long
5 12:44:28 the IME was?

6 12:44:29 A No, not all the time. It did happen,
7 12:44:32 though.

8 12:44:34 Q How would the personal injury plaintiff
9 12:44:36 that was examined know they would need to do that?

10 12:44:39 A Because it was a last minute. It's
11 12:44:42 unorthodox. It's a last-minute exam, it's a
12 12:44:46 last-minute request, excuse me. It's a last-minute
13 12:44:49 request so we would hustle and struggle to get it
14 12:44:53 covered so we would communicate to, Please hang in
15 12:45:00 there, we are getting you someone.

16 12:45:08 Q Let's look at 39. I have handed to you
17 12:45:15 what has been marked as Plaintiff's Exhibit 39,
18 12:45:18 which I represent to you is an email chain from
19 12:45:20 October 31st, 2017 between IME Companions, you
20 12:45:29 personally and an individual named George Alex.

21 12:45:34 Do you recognize this email?

22 12:45:35 A Yes.

23 12:45:37 Q In the original email that was sent at
24 12:45:40 11:43 a.m. on October 31st of 2017, you sent an
25 12:45:46 email to an individual named George Alex concerning

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2 12:45:49 an interview, correct?

3 12:45:50 A Yes.

4 12:45:52 Q In this email, you tell him, I have

5 12:45:54 attached an actual IME Companion report and template

6 12:45:59 for him to look over, correct?

7 12:46:01 A Yes.

8 12:46:02 Q You also asked him to sign a W9, correct?

9 12:46:06 A Yes.

10 12:46:06 Q You asked for his availability; is that

11 12:46:10 right?

12 12:46:11 A Yes.

13 12:46:11 Q You mention in here that you wanted to

14 12:46:14 forward some information to your hiring manager; do

15 12:46:16 you see that?

16 12:46:17 A Yes.

17 12:46:18 Q Who was your hiring manager?

18 12:46:28 A I was the hiring manager.

19 12:46:31 Q You stated to George Alex that you have a

20 12:46:34 hiring manager but it was really you that was doing

21 12:46:36 it, right?

22 12:46:37 A Yes.

23 12:46:39 Q Why is it that you later forwarded to

24 12:46:42 yourself this email? If you look at the top it

25 12:46:52 says, from IME Companions to Safa Gelardi on

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2 12:46:56 October 31st, 2017?

3 12:46:58 A I don't know, Mr. Kataev, why I would
4 12:47:01 forward this. I forward stuff.

5 12:47:05 MR. WARNER: Off the record.

6 12:47:33 (Whereupon, an off-the-record discussion was held.)

7 12:48:16 MR. WARNER: Back on. Let the record

8 12:48:20 reflect the document, Exhibit 39, which is a

9 12:48:30 12-page document contains emails dated after

10 12:48:40 10/31/2017 and is the representation being made

11 12:48:45 that this is a coherent document or is this

12 12:48:50 just additional pages attached to 1113, 119 --

13 12:49:00 MR. KATAEV: The representation is being

14 12:49:02 made that this one exhibit is a compilation of

15 12:49:03 separate emails and what we have first gone

16 12:49:07 over in the first five pages is one email with

17 12:49:18 one attachment. There are six pages, one email

18 12:49:21 with one attachment. The remaining emails are

19 12:49:25 separate and apart from that email and

20 12:49:27 attachment.

21 12:49:27 MR. WARNER: Okay.

22 12:49:27 BY MR. KATAEV:

23 12:49:28 Q Let's go to the seventh page of this

24 12:49:30 exhibit. It's Bates-stamped on the bottom 338.

25 12:49:34 Just one question about that IME Companions report,

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2 12:49:46 which is the second page.

3 12:49:50 This template that was filled out is

4 12:49:53 something that you obtained from IME Watchdog,

5 12:49:56 correct?

6 12:49:57 A No, Mr. Kataev, a completely different

7 12:50:00 template.

8 12:50:01 Q Where did you get this template?

9 12:50:02 A We made this template.

10 12:50:07 Q You made the template based on?

11 12:50:08 A Based on the information that Ronald

12 12:50:10 Rosenblatt provided.

13 12:50:11 Q You also based it off of the information

14 12:50:13 you obtained from Adam, correct?

15 12:50:16 A Based on the information that Ronald

16 12:50:17 Rosenblatt initially provided about IME Watchdog.

17 12:50:26 Q How was the information that you placed in

18 12:50:28 this attachment different from the information

19 12:50:30 contained in the Watchdog report?

20 12:50:32 A The information collected would be same.

21 12:50:36 We would collect the same information. How we put

22 12:50:40 it together was our way.

23 12:50:41 MR. KATAEV: Can I have the last question

24 12:50:58 read back, please?

25 12:51:00 (Whereupon, the referred to question was read back

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2 12:51:28 by the reporter.)

3 12:51:28 BY MR. KATAEV:

4 12:51:34 Q How was the template different?

5 12:51:53 A It looks different.

6 12:51:55 Q In what way?

7 12:51:56 A It looks different. It's easier to read,
8 12:51:58 I feel. It's clearer than an IME Watchdog report.

9 12:52:05 Q But the items that are addressed in the
10 12:52:07 IME Watchdog report, the majority of items from
11 12:52:14 there are listed in this document, correct?

12 12:52:18 MR. WARNER: Objection to form.

13 12:52:21 A I didn't understand it.

14 12:52:26 Q Withdrawn.

15 12:52:27 Going to page 338. This is an email
16 12:52:35 from you without showing to who it was sent --
17 12:52:39 without indicating who it was sent on November 13,
18 12:52:44 2017, correct?

19 12:52:46 A Yes.

20 12:52:47 Q In here there is Adam's Social Security
21 12:52:51 number, Adam Rosenblatt, correct?

22 12:52:53 A No.

23 12:52:55 Q Whose Social Security number is this?

24 12:52:56 A This is my son Adam's Social Security
25 12:52:59 number.

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2 12:52:59 Q There is Vito's Social Security number,

3 12:53:01 your husband?

4 12:53:02 A Yes.

5 12:53:03 Q Who is Janine?

6 12:53:04 A Janine is my daughter.

7 12:53:06 Q Why is there an email with Social Security
8 12:53:08 numbers in this document?

9 12:53:15 A Why?

10 12:53:16 Q Why did you --

11 12:53:17 A It's my personal information.

12 12:53:18 Q Why did you email this?

13 12:53:21 A To keep track of my personal information.

14 12:53:23 Maybe I sent it to my accountant for tax purposes, I
15 12:53:28 don't know.

16 12:53:29 Q Let's go to next page. This is a separate
17 12:53:37 email between yourself and your brother Omar and IME
18 12:53:43 Companions dated January 17, 2018 and January 19,
19 12:53:47 2018, correct?

20 12:53:49 A Yes.

21 12:53:51 Q In the original email that your brother
22 12:53:53 sent you on January 17th, he says, Please use this.
23 12:53:57 I forget to erase details from previous report.

24 12:54:01 Everything else is correct. Do you see that?

25 12:54:04 A Yes.

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2 12:54:04 Q When he's referring to the, erase details
3 12:54:08 from previous report, he's referring to an IME
4 12:54:13 Watchdog report, correct?

5 12:54:14 A No. He was referring to one of his
6 12:54:17 previous IME Companions reports.

7 12:54:19 Q How do you know that?

8 12:54:20 A I know that because I know my brother.

9 12:54:26 Q Do you have the -- withdrawn.

10 12:54:31 MR. KATAEV: To the extent it's not
11 12:54:33 contained in the forensic production, we are
12 12:54:35 going to call for the production of the
13 12:54:37 original email and subsequent email that Omar
14 12:54:39 sent to you. We will follow up in writing.

15 12:54:48 (Counsel Request.)

16 12:55:18 MR. KATAEV: Let's mark this 40.

17 12:55:20 (Plaintiff's Exhibit 40, Marked for Identification.)

18 12:55:20 BY MR. KATAEV:

19 12:55:43 Q I have placed in front of you what has
20 12:55:45 been marked as Plaintiff's Exhibit 40, and I will
21 12:55:48 represent to you it's an email sent on February 8,
22 12:55:50 2018 from Roman to IME Companions.

23 12:55:54 Do you recognize this email?

24 12:55:57 A I don't but I see it now.

25 12:55:59 Q Do you deny receiving this email?

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2 12:56:02 A I do not.

3 12:56:02 Q The subject of this email is, Safa latest
4 12:56:07 invoices and report from IME Watchdogs, correct?

5 12:56:12 A Correct.

6 12:56:13 Q There are three attachments to this email,
7 12:56:15 correct?

8 12:56:16 A Correct.

9 12:56:16 Q The three attachment relate to IME reports
10 12:56:21 by Juan Rudescindo Baez, R-u-d-e-s-c-i-n-d-o, Baez,
11 12:56:29 B-a-e-z, on December 22nd of '17, December 29th of
12 12:56:35 '17 and January 19th of 2018, correct?

13 12:56:40 A Yes.

14 12:56:41 Q These IME Watchdog reports that are
15 12:56:44 attached to this email were obtained by you from
16 12:56:47 Adam, correct?

17 12:56:49 A No, these were obtained from Alex
18 12:56:56 Yadgarov's office.

19 12:57:08 Q In the subject -- in the message or body
20 12:57:12 of this email, Roman says to you, Per our convo,
21 12:57:17 this is the firm of Alex Yadgarov & Associates.
22 12:57:22 Y-a-d-g-a-r-o-v. Greg spoke to them directly. I
23 12:57:26 will email them tomorrow. Do you see that?

24 12:57:29 A Yes.

25 12:57:31 Q Alex Yadgarov & Associates was a customer

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2 12:57:34 of IME Watchdog, correct?

3 12:57:38 A I don't recall.

4 12:57:39 Q If you go to the attachment on the next
5 12:57:40 page, you will see an invoice --

6 12:57:43 A Yes.

7 12:57:44 Q -- from IME Watchdog to that firm,
8 12:57:47 correct?

9 12:57:48 A Yes.

10 12:57:50 Q And based on this invoice, it's fair to
11 12:57:53 say that that firm is or was a customer of IME
12 12:57:57 Watchdog, correct?

13 12:57:58 A Yes.

14 12:57:58 Q At least as of December of '17 and January
15 12:58:01 of '18, correct?

16 12:58:03 A Yes.

17 12:58:05 Q So Roman starts this email off with, Per
18 12:58:09 our convo. What information do you remember about
19 12:58:13 your conversation with Roman concerning this email?

20 12:58:19 A There is no way I would remember the
21 12:58:21 convo, but I can tell you we talked about only
22 12:58:27 working Greg's direct clients. Reaching out to
23 12:58:34 Greg's clients, making appointments with Greg's
24 12:58:36 clients, talking to Greg's client.

25 12:58:40 Q When you refer to Greg's clients, you

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2 12:58:42 refer to his customers for Case Cash, correct?

3 12:58:46 A Yes.

4 12:58:47 Q Case Cash is a personal injury litigation
5 12:58:49 funding firm, correct?

6 12:58:52 A Correct.

7 12:58:53 Q It's a business that provides personal
8 12:58:55 injury plaintiffs with loans to fund their lawsuits,
9 12:58:59 correct?

10 12:59:00 A Correct.

11 12:59:02 Q Did you ever have any interest in that
12 12:59:04 business?

13 12:59:05 A Funding business?

14 12:59:07 Q Correct.

15 12:59:10 A I don't believe so.

16 12:59:11 Q Did you perform any services for that
17 12:59:13 business?

18 12:59:15 A No, I did not.

19 12:59:19 Q Your testimony today is that you obtained
20 12:59:23 these invoices and reports directly from Alex
21 12:59:28 Yadgarov?

22 12:59:29 A Mr. Kataev, my testimony is I did not
23 12:59:32 obtain these. It looks like Roman obtained them
24 12:59:35 from Yadgarov.

25 12:59:38 Q Your testimony today is that Roman asked

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2 12:59:41 Alex Yadgarov to provide him this?

3 12:59:45 MR. WARNER: Objection to form.

4 12:59:46 A I do not know.

5 12:59:48 Q You did not go about obtaining these,
6 12:59:51 correct?

7 12:59:52 A Yes.

8 12:59:52 Q You did not ask Adam for these, correct?

9 12:59:55 A Yes, I don't believe so.

10 13:00:23 Q To your knowledge, why is it that Roman
11 13:00:26 reached out to Alex Yadgarov?

12 13:00:31 A They reached out to many of their
13 13:00:33 attorneys.

14 13:00:34 Q Do you have any particular reason that you
15 13:00:37 believe that Alex Yadgarov was selected?

16 13:00:41 A Maybe they had a personal relationship.

17 13:00:44 Q You don't know?

18 13:00:45 A I don't.

19 13:00:45 Q I'm referring you to Plaintiff's
20 13:01:12 Exhibit 21, which is the 2016 sales by customer
21 13:01:18 summary. I believe I can get it up on the screen as
22 13:01:23 well. I have placed it up on the screen as well.

23 13:02:29 MR. WARNER: Is there an outstanding
24 13:02:31 question, Mr. Kataev?

25 13:02:33 MR. KATAEV: Give me a second.

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2 13:02:34 BY MR. KATAEV:

3 13:03:05 Q The reason why Alex Yadgarov & Associates
4 13:03:08 were targeted is because they spent a lot of money
5 13:03:13 on IME observer services, correct?

6 13:03:16 MR. WARNER: Objection to form.

7 13:03:17 A I wouldn't know that.

8 13:03:20 Q Did you not know that when you had the
9 13:03:22 2016 sales by customer summary?

10 13:03:25 MR. WARNER: Objection to form. Their
11 13:03:25 name is not on it.

12 13:03:28 MR. KATAEV: On what?

13 13:03:29 MR. WARNER: On the 2016 sales by
14 13:03:31 customer. It's a deliberately misleading
15 13:03:32 question when he knows it's not on it.

16 13:03:38 MR. KATAEV: You can't speak for the
17 13:03:40 witness, Jonathan.

18 13:03:40 MR. WARNER: I'm not speaking for the
19 13:03:41 witness. Don't play games with questions.

20 13:03:44 BY MR. KATAEV:

21 13:03:45 Q Can you answer the question that was
22 13:03:45 asked?

23 13:03:46 A What was the question?

24 13:04:12 (Whereupon, the referred to question was read back
25 13:04:12 by the reporter.)

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2 13:04:13 MR. WARNER: Objection to form.

3 13:04:14 A Did I not know what?

4 13:04:17 Q That Alex Yadgarov & Associates spent a
5 13:04:19 lot of money on IME observer services?

6 13:04:22 A No, I did not know.

7 13:04:24 Q Did you not learn through Adam that Alex
8 13:04:29 Yadgarov & Associates was a customer that spent a
9 13:04:30 lot of money on IME observer services?

10 13:04:31 A No. That was never discussed.

11 13:04:33 MR. KATAEV: Let's take a quick break.

12 13:04:37 Off the record.

13 13:04:40 THE VIDEOGRAPHER: The time is 1:04 p.m.

14 13:04:42 We are going off the record.

15 13:04:44 (Whereupon, an off-the-record discussion was held.)

16 13:04:44 (Luncheon recess: 1:04 p.m)

17 13:04:44 ***

18 13:04:44 (Afternoon session: 1:49 p.m)

19 13:04:44 S A F A A B D U L R A H I M G E L A R D I,

20 13:04:44 resumed, having been previously duly sworn, was

21 13:04:44 examined and testified further as follows:

22 13:04:44 EXAMINATION BY

23 13:04:44 MR. KATAEV: (Continued)

24 13:33:37 THE VIDEOGRAPHER: The time is 1:49 p.m.

25 13:49:10 We are back on the record.

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2 13:49:23 BY MR. KATAEV:

3 13:49:29 Q Good afternoon, Ms. Gelardi. We are back
4 13:49:32 from lunch continuing your deposition. We are going
5 13:49:33 to have the last question and answer read back from
6 13:49:36 the court reporter.

7 13:49:37 (Whereupon, the referred to testimony was read back
8 13:49:37 by the reporter.)

9 13:49:37 BY MR. KATAEV:

10 13:51:01 Q I'm going to play for you a recording --
11 13:51:05 the same recording that I played at the Show Cause
12 13:51:08 Hearing. It's Exhibit 18A from the Show Cause
13 13:51:12 Hearing.

14 13:51:14 I ask the court reporter to do her
15 13:51:14 best to transcribe and if you need me to pause, to
16 13:51:19 raise a finger or something.

17 13:51:20 (Whereupon, the audio recording was played.)

18 13:51:20 MS. GELARDI: What happened?

19 13:51:20 MR. ROSENBLATT: She's going to find me
20 13:51:20 this week. I know it. I know it. I know it.
21 13:51:20 Okay, so Eli, Eli has been on me all day, he's
22 13:51:20 been watching me. I'm cc'ing him on all the
23 13:51:20 emails. He wants the password for my email,
24 13:51:20 you know, IME Watchdog. Um, I'm just afraid
25 13:51:20 that she's going to find out, you know, the

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2 13:51:20 money and the clients and I'm just -- I just

3 13:51:20 want to -- I just want to get out of here. I

4 13:51:20 want to give her --

5 13:51:20 MS. GELARDI: She won't know. I won't

6 13:51:20 give her any information. She won't know and

7 13:51:20 she can't subpoena anything from you, like, you

8 13:51:20 know, she --

9 13:51:20 MR. ROSENBLATT: I don't know anything

10 13:51:20 about that but, listen, I want to get out of

11 13:51:20 here. I want to give her my resignation on,

12 13:51:20 like, Friday or tomorrow and I'm going to bring

13 13:51:20 over -- I spoke to Sullivan Papain. I spoke to

14 13:51:20 the people at Wingate. I spoke to the people

15 13:51:20 at Parker Waichman. I spoke to the people at

16 13:51:20 Gambone, and they're all ready to go with me to

17 13:51:20 you, but I need to know, what am I going to

18 13:51:20 make and if I can get, like, a -- like, a bonus

19 13:51:20 to get me through this month. I need like

20 13:51:20 \$10,000.

21 13:51:20 MS. GELARDI: So, I got to tell you that

22 13:51:20 it's not gonna work like that. We talked about

23 13:51:20 you coming in as a salary for three months,

24 13:51:20 right? So my payroll is today. My next

25 13:51:20 payroll is the 15th. So --

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2 13:51:20 MR. ROSENBLATT: I know, but I need the

3 13:51:20 money. I need, like, maybe -- can you give me

4 13:51:20 like \$5,000 and you can put it towards, like,

5 13:51:20 what you're going to pay me, 'cause I didn't

6 13:51:20 get my deposit. Jackie's in Florida. I don't

7 13:51:20 know what's going on. I -- I just need the

8 13:51:20 money and I got --

9 13:51:20 MS. GELARDI: Don't -- don't. Listen.

10 13:51:20 MR. ROSENBLATT: -- pay me [inaudible]

11 13:51:20 dollars a year.

12 13:51:20 MS. GELARDI: Don't -- look, don't worry.

13 13:51:20 MR. ROSENBLATT: I need at least \$5,000

14 13:51:20 today if you can, please. These firms --

15 13:51:20 MS. GELARDI: Jackie didn't pay you? They

16 13:51:20 still have to pay you. You did all your work

17 13:51:20 for February.

18 13:51:20 MR. ROSENBLATT: I know but I didn't get

19 13:51:20 it so I'm really freaking out, so I need,

20 13:51:20 like -- I got to pay my --

21 13:51:20 MS. GELARDI: How much is your usual pay

22 13:51:20 that you get today?

23 13:51:20 MR. ROSENBLATT: Today, I would have

24 13:51:20 gotten like 2500 but I need -- I'm not sure

25 13:51:20 about the 15th. I need, like, 5,000.

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2 13:51:20 And then I -- I got, like, a bonus on

3 13:51:20 Sullivan Papain. Sullivan Papain does, like,

4 13:51:20 as much as Wingate. You know, Weser & Weser is

5 13:51:20 ready to come over. I got Gambone ready to

6 13:51:20 come over. I just need -- I just need to act

7 13:51:20 soon. I really feel like she's there. She's

8 13:51:20 just -- you know.

9 13:51:20 Eli has been -- this is the first minute

10 13:51:20 I've loaned this high without Eli. He was

11 13:51:20 sitting next to me, he's going over reports,

12 13:51:20 he's going over invoices. Can you just send me

13 13:51:20 like --

14 13:51:20 MS. GELARDI: Okay, so Adam, listen. I'm

15 13:51:20 talking to Vito. He's next to me while you

16 13:51:20 were speaking. So we're okay with giving you

17 13:51:20 \$2500 today because that would have been your

18 13:51:20 pay, and then 2500 on the 15th and every two

19 13:51:20 weeks after that so that at least you have

20 13:51:20 income, you're not -- we're not going to leave

21 13:51:20 you. We're not going to let you -- you got to

22 13:51:20 understand --

23 13:51:20 MR. GELARDI: Hey, Adam.

24 13:51:20 MS. GELARDI: Yeah.

25 13:51:20 MR. GELARDI: You know, I'm just here

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2 13:51:20 [inaudible] and it's not that we're scared to
3 13:51:20 spend money, not really where I push the
4 13:51:20 money-spending, so I was telling her yes, but
5 13:51:20 we do have a lot of expense and expenses. We
6 13:51:20 can only pour so much without taking in money
7 13:51:20 because we're growing like crazy, you
8 13:51:20 understand?

9 13:51:20 MS. GELARDI: Yeah, [inaudible].

10 13:51:20 MR. GELARDI: [inaudible] fly everywhere,
11 13:51:20 so you got to -- you know, you're going to make
12 13:51:20 the money but we can't give any lump sum
13 13:51:20 because, you know, taxes are due. We owe so --
14 13:51:20 you know, there's a lot of money going out as
15 13:51:20 you go into business, so we really can't -- you
16 13:51:20 know.

17 13:51:20 MR. ROSENBLATT: I'm scared and I'm really
18 13:51:20 freaking out. You know --

19 13:51:20 MS. GELARDI: Adam, don't freak out.
20 13:51:20 Don't freak out. We said we got you. I'm
21 13:51:20 going to send you 2500 and then I'm going to
22 13:51:20 put you on payroll for every --

23 13:51:20 MR. ROSENBLATT: [Inaudible] -- like, the
24 13:51:20 other.

25 13:51:20 MS. GELARDI: Huh? Say again.

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2

13:51:20

MR. ROSENBLATT: What if she, like,

3

13:51:20

figures out the other stuff? I don't know.

4

13:51:20

MS. GELARDI: How? Does she have access

5

13:51:20

to your account? How?

6

13:51:20

MR. ROSENBLATT: I don't know. Computer?

7

13:51:20

I don't know.

8

13:51:20

MS. GELARDI: What? She doesn't have

9

13:51:20

access to your bank account, so you shouldn't

10

13:51:20

have to worry about that. And let her fire you

11

13:51:20

so that you can be safe. You're good. Let her

12

13:51:20

let you go.

13

13:51:20

Here, talk to Vito. Vito wants to

14

13:51:20

talk to you. Here.

15

13:51:20

MR. ROSENBLATT: Vito, I need --

16

13:51:20

MR. GELARDI: Adam, Adam, listen, listen

17

13:51:20

to me for one second. Whatever is in the past,

18

13:51:20

you cannot change it and you cannot stop -- you

19

13:51:20

know, we're getting a call. We're getting a

20

13:51:20

call. We have to take it. I'm going to call

21

13:51:20

you from my phone, okay?

22

13:51:20

MR. ROSENBLATT: Yeah.

23

13:51:20

MS. GELARDI: Adam, Vito is going to call

24

13:51:20

you right back. I have to take this call.

25

13:51:20

Vito's going to call you now.

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2 13:51:20 MR. ROSENBLATT: Okay.

3 13:51:33 (Whereupon, the audio recording concluded.)

4 13:58:02 MR. KATAEV: We are back on the record

5 13:58:03 where we played the recording in Exhibit 18A of

6 13:58:07 a recorded call of four minutes and 43 seconds

7 13:58:09 and I have a few questions about the contents

8 13:58:12 of this conversation, Ms. Gelardi.

9 13:58:20 In this call, Adam says that he's scared

10 13:58:22 that someone found out about what's been going

11 13:58:26 on between you and him, correct?

12 13:58:28 A Did he say that? He said that?

13 13:58:31 Q I'm asking you: You listened to the

14 13:58:32 recording, is that your understanding of what

15 13:58:33 happened?

16 13:58:35 A I don't think he said that.

17 13:58:37 Q What did he say?

18 13:58:38 A He was afraid that he was getting fired

19 13:58:39 for whatever reason Eli is on his back about.

20 13:58:44 Q Why did he call you about this?

21 13:58:46 A Adam has been calling me for the purpose

22 13:58:49 of he has been trying -- we offered him -- we

23 13:58:53 offered him a franchise. We offered to sell him a

24 13:58:57 franchise. I told him if you're that scared, if

25 13:59:01 you're that humiliated, then just let her fire you,

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1 S. Abdulrahim Gelardi

2 13:59:04 I'll hire you as a Companion for three months until
3 13:59:10 you can start your franchise.

4 13:59:14 Q You didn't discuss anything about a
5 13:59:15 franchise during this phonecall, correct?

6 13:59:18 A It was previous -- it was about the
7 13:59:20 franchise. We didn't discuss anything here, no.

8 13:59:23 Q When did you first start discussing
9 13:59:24 anything about a franchise with Adam?

10 13:59:27 A When did I first start discussing the
11 13:59:30 franchise with Adam? I would say maybe a month
12 13:59:36 prior.

13 13:59:37 Q A month prior to this phonecall, correct?

14 13:59:39 A Maybe a month, month and a half, something
15 13:59:41 like that, yes.

16 13:59:41 Q Would it refresh your recollection if I
17 13:59:43 told you this recorded call occurred on March 1st,
18 13:59:46 2022.

19 13:59:48 A Yes, I recall.

20 13:59:49 Q Your testimony is that about a month prior
21 13:59:51 in February of 2022, you and Adam discussed him
22 13:59:54 opening up a IME Companions franchised business?

23 14:00:02 A Correct.

24 14:00:02 Q Why did you tell Adam not to worry during
25 14:00:06 your conversation with him?

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1 S. Abdulrahim Gelardi

2 14:00:08 A Because so what, you get fired, what's the
3 14:00:11 big deal. There is nothing to worry about.

4 14:00:14 Q Isn't it true you were telling him not to
5 14:00:17 worry about the fact that he had been providing you
6 14:00:17 information about the IME Watchdog business?

7 14:00:20 A No.

8 14:00:21 Q You reference an individual named Jackie
9 14:00:23 during the call. Do you recall that being said
10 14:00:28 during the recorded call?

11 14:00:31 A Yes.

12 14:00:35 MR. WARNER: Let him finish.

13 14:00:36 Q Who is Jackie?

14 14:00:37 A I have no idea. I repeated what he said.

15 14:00:41 Q It's your testimony that during this call,
16 14:00:44 Adam first mentioned Jackie?

17 14:00:46 A Yes.

18 14:00:54 Q What did you mean when you said Daniella
19 14:00:55 can't subpoena Adam?

20 14:00:59 A The whole conversation to me was about him
21 14:01:03 being fired for whatever reason and I said, So what.
22 14:01:07 He said, What if he she finds out. I said, Subpoena
23 14:01:11 what.

24 14:01:12 Q According to this call, it appears as if
25 14:01:17 you and Adam have a history of working together

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1 S. Abdulrahim Gelardi

2 14:01:20 where you pay him for him to provide you clients and

3 14:01:24 customers, correct?

4 14:01:26 MR. WARNER: Objection to form.

5 14:01:27 A No.

6 14:01:27 Q During this call, Adam asked you for

7 14:01:32 money, correct?

8 14:01:33 A Correct.

9 14:01:35 Q And you offered him \$2,500, correct?

10 14:01:39 A Correct.

11 14:01:40 Q Did you pay him that \$2,500?

12 14:01:41 A No, I did not.

13 14:01:44 Q Why not?

14 14:01:45 A He never came. It was for work. He never

15 14:01:48 came to work. I offered him the \$2,500 for three

16 14:01:54 months as a Companion until he was able -- until the

17 14:01:59 franchise was complete and he was able to buy a

18 14:02:02 franchise.

19 14:02:02 Q \$2,500 a month for three months?

20 14:02:06 A I believe it was biweekly.

21 14:02:09 Q The real reason you didn't pay him, it

22 14:02:12 because you were subsequently served with this

23 14:02:15 lawsuit, correct?

24 14:02:16 A No. I did not pay him because he didn't

25 14:02:18 work for the money.

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2 14:02:20 Q You said that you're willing to pay him
3 14:02:22 \$2,500 because that's what you usually pay him,
4 14:02:25 correct?

5 14:02:26 A That is not correct.

6 14:02:28 Q Isn't that what you said during the call?

7 14:02:30 A That's not what I said during the call. I
8 14:02:32 said, What do you usually get paid?

9 14:02:36 Q You stated during the recorded call --
10 14:02:38 withdrawn.

11 14:02:42 Vito was present with you during this
12 14:02:43 call, correct?

13 14:02:44 A Correct.

14 14:02:45 Q During this recorded call, Vito stated IME
15 14:02:48 Companions is, quote, growing like crazy, end quote,
16 14:02:51 right?

17 14:02:51 A Correct.

18 14:02:53 Q How was Companions growing like crazy?

19 14:02:57 A Companions has a good history of growth.

20 14:03:02 Q How?

21 14:03:03 A We do marketing, we do sales calls.

22 14:03:07 Q What marketing do you do other than sales
23 14:03:09 calls?

24 14:03:12 A We do marketing -- online marketing, we do
25 14:03:15 email marketing, we do social media marketing.

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2 14:03:22 Q When you do sales calls, what phone number
3 14:03:24 do you use to make those calls?

4 14:03:29 A It would be -- when we make sales calls?

5 14:03:33 Q Correct?

6 14:03:33 A I make the sales calls either from my cell
7 14:03:37 or from the IME Companions number.

8 14:03:39 Q What is the IME Companions number?

9 14:03:41 A (833)463-7767. Usually my cell, though.

10 14:03:47 Q What is the, pun intended, companion local
11 14:03:52 phone number for the 800 number?

12 14:03:56 A Sorry.

13 14:03:57 Q Whenever you have an 800 number, there is
14 14:04:00 also a local number?

15 14:04:01 A I don't have a local number.

16 14:04:03 Q Your phone number is only the 800 number,
17 14:04:06 correct?

18 14:04:07 A I believe so.

19 14:04:07 MR. KATAEV: I'm going to call for the
20 14:04:09 production of any records that list a local
21 14:04:10 number that accompanies the 800 toll-free
22 14:04:12 number.

23 14:04:12 (Counsel Request.)

24 14:04:12 BY MR. KATAEV:

25 14:04:13 Q What is the service provider you use for

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1 S. Abdulrahim Gelardi

2 14:04:15 the toll-free calling?

3 14:04:18 A Grasshopper.

4 14:04:20 MR. KATAEV: We are going to call for the

5 14:04:25 production of all records from Grasshopper that

6 14:04:26 contain call logs and call details. And follow

7 14:04:26 up in writing.

8 14:04:27 (Counsel Request.)

9 14:04:28 BY MR. KATAEV:

10 14:04:33 Q Other than sales calls, you said you also

11 14:04:36 do email marketing, correct?

12 14:04:37 A We do email marketing, we do social media

13 14:04:40 marketing, yes.

14 14:04:42 Q When you do email marketing, do you use

15 14:04:44 any particular program or company for that purpose?

16 14:04:47 A Yes.

17 14:04:48 Q You use Constant Contact, correct?

18 14:04:52 A No. I used Constant Contact for a very

19 14:04:55 short period of time.

20 14:04:56 Q Other than Constant Contact, what other

21 14:04:59 service providers for email marketing did you use?

22 14:05:02 A We had a marketing company by the name of

23 14:05:05 Giant Partners and now we are using a marketing

24 14:05:10 company -- I'm sorry. Marketing 360 and now we are

25 14:05:14 using Giant Partners.

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2 14:05:17 MR. KATAEV: Plaintiff will call for the

3 14:05:19 production of all records from those three

4 14:05:20 email marketing service providers, and we

5 14:05:24 reserve the right to issue subpoenas as well.

6 14:05:26 We will follow up in writing.

7 14:05:28 (Counsel Request.)

8 14:05:28 BY MR. KATAEV:

9 14:05:29 Q You also mentioned social media marketing.

10 14:05:32 You advertise on Facebook, correct?

11 14:05:34 A Yes.

12 14:05:35 Q You also advertise on LinkedIn, correct?

13 14:05:37 A Yes.

14 14:05:38 Q You also use Instagram, correct?

15 14:05:40 A Yes.

16 14:05:40 Q Do you use any other social media

17 14:05:44 platforms for advertising purposes?

18 14:05:46 A I don't think so.

19 14:05:47 Q Do you have actual business accounts with

20 14:05:50 all of these three social media sites that you pay

21 14:05:53 for ad services?

22 14:05:59 A I'm sorry.

23 14:05:59 Q Do you pay for ad services with Facebook,

24 14:06:01 LinkedIn and Instagram?

25 14:06:04 A I do, yes.

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1 S. Abdulrahim Gelardi

2 14:06:05 Q Do you also have Google Ad Words account?

3 14:06:08 A Yes. My marketing team set it up. I

4 14:06:13 don't have it.

5 14:06:15 Q All of the ad accounts that I just

6 14:06:20 discussed; Facebook, LinkedIn, Instagram and Google,

7 14:06:23 that's all done through Marketing 360, correct?

8 14:06:27 A And Giant Partners.

9 14:06:28 Q Other than those two, no one else uses

10 14:06:31 those kind of accounts, correct?

11 14:06:33 A Correct.

12 14:06:34 MR. KATAEV: Same request with respect to

13 14:06:37 production of documents concerning that. We

14 14:06:39 will follow up in writing.

15 14:06:40 (Counsel Request.)

16 14:06:40 BY MR. KATAEV:

17 14:06:43 Q With respect to Facebook, LinkedIn and

18 14:06:46 Instagram, you have messages that you send to

19 14:06:50 prospective customers, correct?

20 14:06:52 A Correct.

21 14:06:53 Q You reach out to these individuals

22 14:06:55 directly using the Facebook Messenger platform,

23 14:06:57 correct?

24 14:07:01 A I don't think I have ever reached out to

25 14:07:03 clients through Facebook Messenger.

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1 S. Abdulrahim Gelardi

2 14:07:07 Q You're not sure one way or the other,

3 14:07:09 correct?

4 14:07:10 A I don't think I have ever reached out to a
5 14:07:10 client through Facebook Messenger.

6 14:07:11 Q Do you know for sure whether you have ever
7 14:07:13 reached out to a prospective customer using Facebook
8 14:07:16 Messenger?

9 14:07:19 A I'm going to say yeah, I don't think I
10 14:07:21 have ever done that.

11 14:07:23 Q What about Instagram?

12 14:07:25 A Yes, same.

13 14:07:27 Q You did not reach out?

14 14:07:29 A I did not reach out to customers directly.

15 14:07:31 Q What about LinkedIn?

16 14:07:32 A LinkedIn, yes.

17 14:07:45 Q You testified right now that you -- with
18 14:07:49 respect to the recorded call with Adam, that you had
19 14:07:52 previously discussed having him work at a franchise
20 14:07:57 business of IME Companions, correct?

21 14:08:00 MR. WARNER: Objection to form.

22 14:08:02 A What I said was I offered him a franchise.
23 14:08:08 I said, I can employ you for three months until you
24 14:08:11 buy your own franchise.

25 14:08:13 Q It was your intent for Adam to pay you for

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1 S. Abdulrahim Gelardi

2 14:08:17 a franchise, correct?

3 14:08:18 A Correct.

4 14:08:19 Q Have you ever franchised a business to
5 14:08:22 anyone else?

6 14:08:23 A No.

7 14:08:27 Q You talked about money exchanged between
8 14:08:30 you and Adam for the past -- during this call,
9 14:08:33 correct?

10 14:08:36 MR. WARNER: Objection to form.

11 14:08:37 A I don't think so.

12 14:08:37 Q Why did you tell Adam that he has nothing
13 14:08:42 to worry about because Daniella does not have access
14 14:08:45 to his bank statements?

15 14:08:49 A I guess it was just something that he was
16 14:08:53 worried about.

17 14:08:55 Q How did you know that he was worried about
18 14:08:56 it?

19 14:08:57 A Because he expressed to me once that he
20 14:09:01 didn't pay the Watchdogs through -- I'm sorry. That
21 14:09:06 he didn't pay the Watchdogs the money I sent him,
22 14:09:10 that he used her account.

23 14:09:13 Q You knew that because you sent it to him?

24 14:09:15 A I knew that very late.

25 14:09:18 Q You didn't know that when you initially

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1 S. Abdulrahim Gelardi

2 14:09:20 sent him the Zelle payments?

3 14:09:20 A No. I did not know that he was not going
4 14:09:22 to pay them through those funds.

5 14:09:24 Q You were worried about the bank statements
6 14:09:30 as well, correct?

7 14:09:32 A I was not.

8 14:09:34 Q What is it that someone could learn from
9 14:09:37 reviewing Adam's bank statements?

10 14:09:39 A Adam would have gotten in trouble. That's
11 14:09:42 it.

12 14:09:47 Q When you told him that he doesn't have
13 14:09:50 anything to worry about because Daniella doesn't
14 14:09:52 have access to the bank statements, that's because
15 14:09:56 the bank statements contain the transaction
16 14:09:59 information relating to the Zelle payments we
17 14:10:01 reviewed before, correct?

18 14:10:02 A Yes.

19 14:10:04 Q Adam was scared -- withdrawn.

20 14:10:06 And to your knowledge, Adam was
21 14:10:06 scared of being fired because of all the things he
22 14:10:13 sold to you, correct?

23 14:10:14 A Wrong.

24 14:10:15 Q Why was Adam scared of being fired?

25 14:10:17 MR. SHALIT: Objection to form.

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1 S. Abdulrahim Gelardi

2 14:10:18 Q To your knowledge.

3 14:10:20 A Adam expressed that he was being treated

4 14:10:23 differently prior to this phonecall. He expressed

5 14:10:27 that he was treated very badly and I always told him

6 14:10:33 the same things. You control your own destiny, you

7 14:10:37 can do whatever you want, it's just a job. Oh, but

8 14:10:41 I need income. Okay, so find a job.

9 14:10:46 Q During those conversations when you told

10 14:10:47 him to find a job, did you offer him a job at

11 14:10:51 Companions?

12 14:10:51 A I told him I can offer him a temporary job

13 14:10:56 at Companions for a few months, three months until

14 14:11:00 he purchased a franchise. He did not.

15 14:11:06 Q He did not what?

16 14:11:08 A He wasn't happy with being a Companion but

17 14:11:10 that's all I can offer him.

18 14:11:13 Q What is it that he wanted?

19 14:11:15 A He wanted to run his own business.

20 14:11:21 Q Why were you only willing to offer Adam a

21 14:11:24 temporary position?

22 14:11:26 A Because I did not want him as a Companion

23 14:11:28 either. It was just temporary for him until the

24 14:11:31 franchise was complete and he purchased the

25 14:11:33 franchise.

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1 S. Abdulrahim Gelardi

2 14:11:38 Q Other than the Zelle payments, is there
3 14:11:40 anything else that could be discovered through the
4 14:11:43 bank statements of Adam?

5 14:11:45 A No.

6 14:11:48 MR. WARNER: Objection to form. You
7 14:11:52 answered so quickly.

8 14:11:53 BY MR. KATAEV:

9 14:12:11 Q To your knowledge, what do you think
10 14:12:13 Daniella would find in the bank statements?

11 14:12:16 MR. WARNER: Objection to form.

12 14:12:16 A In my bank statements?

13 14:12:18 Q In Adam's.

14 14:12:21 A She would find the Zelles, he would have
15 14:12:23 to explain that he was referring his Watchdogs to
16 14:12:29 other IME companies and he would also have to
17 14:12:33 explain to her that he never used those funds to pay
18 14:12:37 his Watchdogs.

19 14:12:41 Q Other than paying for a franchise, is
20 14:12:44 there anything else that you gave Adam that Adam
21 14:12:50 would need to pay you for?

22 14:12:52 A No.

23 14:13:06 Q Are any Watchdogs currently performing
24 14:13:09 either observer or interpreter services for
25 14:13:12 Companions?

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1 S. Abdulrahim Gelardi

2 14:13:12 A No.

3 14:13:15 Q When did that stop?

4 14:13:18 A March 1st of 2022.

5 14:13:26 Q How did you go about notifying these
6 14:13:29 individuals to stop performing those services?

7 14:13:33 MR. WARNER: Objection to form.

8 14:13:35 A I didn't have contact to those
9 14:13:36 individuals.

10 14:13:38 Q You didn't reach out to them and they
11 14:13:40 didn't reach out to you?

12 14:13:42 A No, no.

13 14:13:50 MR. KATAEV: I'm going to play back a
14 14:13:52 portion of the record and I will ask a followup
15 14:13:55 question.

16 14:13:56 I'm going to start the recording from the
17 14:13:58 beginning and I'm going to stop when I reach
18 14:14:00 the portion that I would like to stop at.

19 14:14:06 (Whereupon, a portion of the recording was played.)

20 14:14:44 MR. KATAEV: I paused the conversation.

21 14:14:45 We are back on the record.

22 14:14:47 BY MR. KATAEV:

23 14:14:48 Q You just stated to Adam during this call
24 14:14:51 that Daniella won't know any information and that
25 14:14:53 you won't give her any information.

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1 S. Abdulrahim Gelardi

2 14:14:55 What information were you referring

3 14:14:57 to?

4 14:14:58 A Because he expressed prior that he was

5 14:15:01 afraid and not too long prior that he did confess

6 14:15:08 that he was not using -- he was using Watchdog funds

7 14:15:11 to pay the Watchdogs, you know, what I was saying to

8 14:15:18 him here is I won't tell her what you told me.

9 14:15:22 Q Isn't it true that when you said, I won't

10 14:15:28 tell Daniella anything that you were referring to

11 14:15:32 your relationship where you were paying Adam for

12 14:15:33 information that you could use to further your

13 14:15:34 business?

14 14:15:36 A No.

15 14:15:37 MR. WARNER: Objection to form.

16 14:15:42 Q You said that Adam told you that he did

17 14:15:48 not pay the actual Watchdogs that performed the

18 14:15:51 services with the money you gave him, correct?

19 14:15:54 A Yes.

20 14:15:55 Q If Adam did not pay the Watchdogs, who

21 14:15:58 did?

22 14:15:58 MR. WARNER: Objection to form.

23 14:16:00 A That was his issue. That's why he was

24 14:16:02 afraid. He thought that that's what they found out

25 14:16:05 that he was using her funds and keeping the money.

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1 S. Abdulrahim Gelardi

2 14:16:12 Q If Adam kept the money that the Watchdogs
3 14:16:16 were supposed to get paid and the Watchdogs did not
4 14:16:20 get paid for performing the work, how come none of
5 14:16:25 the Watchdogs would complain to Daniella about it?

6 14:16:28 MR. WARNER: Objection to form.

7 14:16:29 A They got paid, Mr. Kataev.

8 14:16:32 Q Is it that the money you sent to Adam went
9 14:16:35 to pay the Watchdogs or is it that Adam kept it;
10 14:16:38 which one is it?

11 14:16:40 MR. WARNER: Objection to form.

12 14:16:41 A Mr. Kataev, I paid for my services for
13 14:16:43 using those Watchdog. Those independent contractors
14 14:16:47 who also worked for Watchdogs. He was afraid that
15 14:16:52 she found out that he wasn't paying them, that he
16 14:16:57 was paying them through her funds, her IME Watchdog
17 14:17:02 funds.

18 14:17:04 Q So if I understand you correctly, what
19 14:17:07 you're saying is that you would call Adam and ask
20 14:17:11 him to provide you interpreters and sometimes
21 14:17:13 observers that you would pay money to Adam for those
22 14:17:18 services and that Adam would keep that money but pay
23 14:17:23 those observers and interpreters through the funds
24 14:17:27 of IME Watchdog?

25 14:17:28 MR. WARNER: Objection to form.

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1 S. Abdulrahim Gelardi

2 14:17:29 A Correct.

3 14:17:41 Q You stated at your Show Cause Hearing that
4 14:17:44 you decided not to go into business about Adam in or
5 14:17:49 about April or May of 2017 or in '17 because he was
6 14:17:54 unethical and untrustworthy; do you recall that
7 14:17:58 testimony?

8 14:17:59 A Yes.

9 14:18:00 Q Why is it that you were dealing with Adam
10 14:18:02 in 2018 and 2019 based on that?

11 14:18:06 A I don't believe I was dealing with Adam in
12 14:18:09 2018 at all, Mr. Kataev. In 2019, he reached out to
13 14:18:14 me.

14 14:18:15 Q And?

15 14:18:17 A Why was I dealing with him?

16 14:18:19 Q Correct.

17 14:18:21 A We had a mutual business in common, we
18 14:18:25 talked about what we related to, we also kid around
19 14:18:30 sometimes, we joked around sometimes. We didn't
20 14:18:33 work together, so it wasn't...

21 14:18:41 Q When you spoke about selling the franchise
22 14:18:43 to Adam, what was the cost to purchase a franchise?

23 14:18:53 A The cost of the franchise would have been
24 14:18:56 \$40,000.

25 14:18:59 Q How was it anticipated that Adam would pay

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1 S. Abdulrahim Gelardi

2 14:19:02 for the franchise?

3 14:19:03 A When we discussed it, I told him we can do
4 14:19:06 partial payments until he's fully paid off.

5 14:19:10 Q Was there any discussion of an initial
6 14:19:13 down payment?

7 14:19:14 A No.

8 14:19:19 Q Why would you offer to sell a franchise to
9 14:19:22 a person that you found was unethical and you did
10 14:19:24 not want to go into business with?

11 14:19:26 A I would not be in business with him if he
12 14:19:29 owned a franchise. He would be in business himself.

13 14:19:32 Q Did you ever prepare a franchise
14 14:19:34 agreement?

15 14:19:35 A Between?

16 14:19:36 Q In general or between you and Adam?

17 14:19:39 A Between me and Adam, no, and I don't think
18 14:19:42 we got to that part in the franchise stage.

19 14:19:44 Q What part did you get up to in the
20 14:19:46 franchise stage up until March 1st, 2022?

21 14:19:55 A I don't know honestly.

22 14:19:56 Q You retained a law firm for that purpose,
23 14:19:58 didn't you?

24 14:19:59 A Yes.

25 14:20:00 Q That law firm was named Shipe Dosik,

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1 S. Abdulrahim Gelardi

2 14:20:01 correct? S-h-i-p-e D-o-s-i-k.

3 14:20:07 A Correct.

4 14:20:07 Q That law firm is located in Illinois,

5 14:20:08 correct?

6 14:20:10 A Correct.

7 14:20:11 Q How did you find that law firm?

8 14:20:13 A The franchise company referred them.

9 14:20:18 Q What was the franchise company's name?

10 14:20:27 A I can't remember.

11 14:20:28 MR. KATAEV: We will call for the

12 14:20:29 production of any documents related to the

13 14:20:31 franchise company and follow up in writing.

14 14:20:33 (Counsel Request.)

15 14:20:33 BY MR. KATAEV:

16 14:20:48 Q Don't you believe that if what you're

17 14:20:51 saying is true that IME Watchdog paid its Watchdogs

18 14:20:57 for services they performed through you because Adam

19 14:21:02 kept the money you gave, that IME Watchdog's

20 14:21:05 accountants would realize that?

21 14:21:08 MR. WARNER: Objection to form.

22 14:21:14 A I do not.

23 14:21:24 Q The only reason that you paid Adam for

24 14:21:27 anything was because it served a purpose for you,

25 14:21:31 correct?

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1 S. Abdulrahim Gelardi

2 14:21:32 MR. WARNER: Objection to form.

3 14:21:35 A Can you repeat that, please?

4 14:21:37 (Whereupon, the referred to question was read back
5 14:21:37 by the reporter.)

6 14:21:47 A I did not pay Adam. I paid him for his
7 14:21:50 Watchdog interpreters.

8 14:21:52 Q You paid him for those interpreters
9 14:21:55 because it served a purpose for you, correct?

10 14:21:58 A The interpreters served a purpose for me,
11 14:22:00 yes.

12 14:22:00 Q You reached out to him whenever you needed
13 14:22:02 them, correct?

14 14:22:04 A Correct.

15 14:22:04 Q You needed to cover last-minute IMEs so
16 14:22:08 you would call him to see if he could cover it for
17 14:22:11 you?

18 14:22:11 MR. WARNER: Objection to form.

19 14:22:12 Q Correct?

20 14:22:13 A Yes.

21 14:22:18 Q For the \$40,000 that Adam would have paid
22 14:22:22 you, what would that get him in terms of franchise?

23 14:22:26 A He would own an IME Companions franchise
24 14:22:31 of his own.

25 14:22:32 Q What was the intended geographic scope of

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1 S. Abdulrahim Gelardi

2 14:22:38 Adam's franchise?

3 14:22:38 A There was -- you can do it anywhere you
4 14:22:41 want.

5 14:22:42 Q You had no problem with Adam operating in
6 14:22:44 the same areas that you operate?

7 14:22:46 A I did not.

8 14:22:52 Q You also discussed franchising with Adam
9 14:22:54 in 2017, correct?

10 14:22:56 A Yes.

11 14:22:57 Q What was the discussion then?

12 14:23:00 A In 2017?

13 14:23:03 Q Correct.

14 14:23:05 A I don't recall the discussion. I do
15 14:23:07 recall him stating that he spoke to Daniella about
16 14:23:15 franchising. I don't recall the full discussion. I
17 14:23:18 remember he had a franchise company.

18 14:23:21 Q Do you have any notes from your
19 14:23:22 conversations with Adam about this?

20 14:23:24 A No.

21 14:23:24 Q Did you exchange any emails or text
22 14:23:26 messages with Adam about this?

23 14:23:29 A I believe I asked him for the name of the
24 14:23:33 franchise company, yes.

25 14:23:37 Q Would it be fair to say that you had

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1 S. Abdulrahim Gelardi

2 14:23:39 extensive text message conversations with Adam?

3 14:23:41 A Yes.

4 14:23:44 Q Are you currently in possession, custody
5 14:23:46 or control of those text messages?

6 14:23:48 A Yes.

7 14:23:49 MR. KATAEV: We will call for the
8 14:23:51 production of all text messages between the
9 14:23:52 witness and Adam Rosenblatt and we will follow
10 14:23:55 up in writing to the extent it's not produced
11 14:23:57 by the forensic examiner.

12 14:24:04 (Counsel Request.)

13 14:24:04 BY MR. KATAEV:

14 14:24:07 Q Why did you and Adam discussion going into
15 14:24:09 a business where he franchises the IME Companions
16 14:24:14 model from you in 2018 or '19 if you already told
17 14:24:18 him in the summer of 2017 you have no interest in
18 14:24:21 working with him?

19 14:24:24 A Mr. Kataev, I have no interest in working
20 14:24:26 with him. IME franchise, he would be working for
21 14:24:31 himself.

22 14:24:34 Q Wouldn't Adam have to pay you royalties to
23 14:24:36 operate the franchise?

24 14:24:38 A That would be automatic.

25 14:24:45 Q Why did you offer to take care of Adam

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1 S. Abdulrahim Gelardi

2 14:24:47 even though you told the court on April 4th that he

3 14:24:50 was unethical and ruthless?

4 14:24:53 MR. WARNER: Objection to form. Did she

5 14:24:56 use the term ruthless?

6 14:24:59 A I don't think I used the term ruthless. I

7 14:25:02 said unethical and untrustworthy.

8 14:25:24 Q Why would you tell him that you will take

9 14:25:28 care of him even though you thought he was unethical

10 14:25:30 and ruthless?

11 14:25:33 A Because I felt sorry for him.

12 14:25:34 MR. KATAEV: 41.

13 14:25:51 (Plaintiff's Exhibit 41, Marked for Identification.)

14 14:25:52 BY MR. KATAEV:

15 14:26:18 Q When you say you felt sorry for him, you

16 14:26:21 felt so sorry for him that you wanted him to pay you

17 14:26:24 \$40,000 for a franchise?

18 14:26:28 MR. WARNER: Objection to form.

19 14:26:31 A That wasn't pity. That's business.

20 14:26:35 Q Do you have any knowledge as to whether

21 14:26:36 Adam even had the capacity to pay \$40,000?

22 14:26:40 A He knew that he had to.

23 14:26:44 Q Did he ever talk to you about where he

24 14:26:46 would get the money from?

25 14:26:49 A I told him we could do partial payments.

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1 S. Abdulrahim Gelardi

2 14:26:52 Q I have placed in front of you what has

3 14:26:54 been marked as Plaintiff's Exhibit 41. I will

4 14:26:56 represent to you it's an email chain from

5 14:26:58 October 11, 2021 between Adam Rosenblatt, James

6 14:27:02 Bacher, B-a-c-h-e-r, and that's it. Have you ever

7 14:27:12 seen this email chain?

8 14:27:15 A I don't recall it but I see it now.

9 14:27:17 Q Do you know who James Bacher is?

10 14:27:20 A I don't.

11 14:27:23 Q Did IME Companions ever perform any

12 14:27:25 services for the Law Office J. Bacher, PLLC?

13 14:27:31 A I don't believe so.

14 14:27:36 Q Did you ask Adam to refer you customers?

15 14:27:43 A I did not ask him to refer me customers.

16 14:27:47 Q Did you threaten Adam that if he didn't

17 14:27:49 refer you customers you would tell Daniella what he

18 14:27:53 did?

19 14:27:54 A No, I did not.

20 14:27:59 Q If Adam referred you any customers, would

21 14:28:01 you pay him for it?

22 14:28:03 A No, I would not.

23 14:28:13 MR. KATAEV: Mark this as 42.

24 14:28:14 (Plaintiff's Exhibit 42, Marked for Identification.)

25

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1 S. Abdulrahim Gelardi

2 14:28:15 BY MR. KATAEV:

3 14:28:28 Q I have placed in front of you what has

4 14:28:31 been marked as Plaintiff's Exhibit 42. It's an

5 14:28:34 email dated October 28, 2019. It's an email chain

6 14:28:47 from October 28, 2019. Take a second to read

7 14:28:51 through it and let me know when you're ready.

8 14:28:55 (Witness perusing document.)

9 14:28:58 Do you recognize this email?

10 14:29:25 A Yes.

11 14:29:29 Q You sent this email, correct?

12 14:29:32 A Yes.

13 14:29:33 Q And this email contains a list of

14 14:29:37 approximately 12 pointers about the dos and don'ts

15 14:29:39 of observing an IME, correct?

16 14:29:43 A Correct.

17 14:29:44 Q Where did you obtain these instructions

18 14:29:46 from or pointers from?

19 14:29:53 A Mr. Kataev, Adam reached out to me and let

20 14:29:57 me know that my people were vagrants, that they

21 14:30:02 didn't know what they are doing and he loves to show

22 14:30:06 off his ego on how he's the best at what he does and

23 14:30:10 he sent me that voluntarily. I then forwarded it to

24 14:30:14 Carlos.

25 14:30:16 Q You forwarded it to all your Companions,

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1 S. Abdulrahim Gelardi

2 14:30:17 correct?

3 14:30:19 A He didn't have the rest of it, though.

4 14:30:22 Q Referring this email on the top first page

5 14:30:26 at 9:52 a.m., this email was sent to Carlos and all

6 14:30:29 the other Companions that worked for you at that,

7 14:30:32 time correct?

8 14:30:34 A Correct.

9 14:30:34 Q You sent this to Jeff Beeman, correct?

10 14:30:37 A Yes.

11 14:30:37 Q You sent this to Mark Purificati, correct?

12 14:30:40 A Yes.

13 14:30:41 MR. KATAEV: P-u-r-i-f-i-c-a-t-i.

14 14:30:44 Q You sent it to all the remaining

15 14:30:46 Companions that worked for you at the time, correct?

16 14:30:48 A Yes.

17 14:30:50 Q You deny that you provided Adam with any

18 14:30:52 monetary compensation for this?

19 14:30:55 A Yes.

20 14:31:41 Q You did not draft these dos and don'ts,

21 14:31:43 correct?

22 14:31:46 A I don't believe so.

23 14:31:58 Q You use these dos and don'ts as training

24 14:32:02 material for your Companions, correct?

25 14:32:03 A It's the same thing that we use, yes.

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1 S. Abdulrahim Gelardi

2 14:32:09 MR. KATAEV: 43.

3 14:32:13 (Plaintiff's Exhibit 43, Marked for Identification.)

4 14:32:15 BY MR. KATAEV:

5 14:32:51 Q I have presented to you what has been
6 14:32:54 marked as Plaintiff's Exhibit 43. For the record,
7 14:33:00 the top of this email chain contains attorney/client
8 14:33:05 communication which I am on the record clawing back
9 14:33:09 pursuant to the Rule 502D order that we entered
10 14:33:17 into.

11 14:33:24 I want to focus your attention to the
12 14:33:28 prior Exhibit 42 and put it next to this Exhibit 43.
13 14:33:36 If you look at the middle of the first page on 43
14 14:33:41 there is an email from calendar@imewd.com to a whole
15 14:33:47 host of individuals and the email is dated April 25,
16 14:33:50 2018; do you see that?

17 14:33:52 A Yes.

18 14:33:53 Q When you compare the first tip, number
19 14:33:57 one, Remind examinee not to volunteer information,
20 14:34:00 to the first tip in Exhibit 42, they are
21 14:34:05 word-for-word the same, correct?

22 14:34:09 A Correct.

23 14:34:10 Q These tips and dos and don'ts were
24 14:34:14 obtained from IME Watchdog, correct?

25 14:34:22 A Correct.

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1 S. Abdulrahim Gelardi

2 14:34:22 MR. WARNER: I thought you were clawing

3 14:34:22 this back? Are you clawing it back?

4 14:34:30 MR. KATAEV: I'm clawing back the top

5 14:34:32 portion.

6 14:34:34 MR. WARNER: It's eliminated from my mind.

7 14:34:36 MR. KATAEV: 44.

8 14:34:53 (Plaintiff's Exhibit 44, Marked for Identification.)

9 14:34:57 BY MR. KATAEV:

10 14:35:09 Q I have handed to you what has been marked

11 14:35:11 Plaintiff's Exhibit 44. I will represent to you

12 14:35:14 that these are -- this is an email dated May 21st,

13 14:35:19 2018, from you to Lumina. It's actually an email

14 14:35:25 chain between the two of you.

15 14:35:27 Do you recognize this document?

16 14:35:29 A I don't recognize it, but I see it.

17 14:35:32 Q Do you deny that you sent and/or received

18 14:35:35 these emails?

19 14:35:36 A I do not.

20 14:35:36 Q In the May 7, 2017 email at 3:17 p.m.,

21 14:35:41 Lumina wrote to you, As we work to finalize your

22 14:35:43 animated video for IME Companions, I wanted to reach

23 14:35:46 out to you regarding approval for the script of the

24 14:35:49 video; do you see that?

25 14:35:52 A Yes.

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1 S. Abdulrahim Gelardi

2 14:35:53 Q In response to that, you provided an

3 14:35:58 instruction to Lumina about things you wanted to

4 14:36:01 change, correct?

5 14:36:02 A Correct.

6 14:36:05 Q You stated to Lumina, The video is too

7 14:36:09 short. Please see Watchdog video for more content.

8 14:36:12 Correct?

9 14:36:13 A Correct.

10 14:36:14 MR. KATAEV: 45.

11 14:36:23 (Plaintiff's Exhibit 45, Marked for Identification.)

12 14:36:24 BY MR. KATAEV:

13 14:37:05 Q Ms. Gelardi, I have placed in front of you

14 14:37:07 what has been marked as Plaintiff's Exhibit 45. I

15 14:37:10 will represent to you it's an email chain with the

16 14:37:12 dates May 30, 2018, forwarding an email from

17 14:37:18 June 28, 2017. Do you recognize this document?

18 14:37:22 A I don't recognize it, but I see it.

19 14:37:25 Q On June 28th of '17, Adam sent you an

20 14:37:29 email about with the subject, Franchise check in

21 14:37:33 that you requested.

22 14:37:34 Do you see that?

23 14:37:38 A Yes.

24 14:37:40 Q He forwarded you an email from earlier

25 14:37:45 that day that he received from Big Sky; do you see

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1 S. Abdulrahim Gelardi

2 14:37:49 that?

3 14:37:50 A Yes.

4 14:37:50 Q The email from Big Sky is

5 14:37:52 tom@bigskyfranchise.com, correct?

6 14:37:56 A Correct.

7 14:37:59 Q Is this company, Big Sky Franchise, the

8 14:38:02 company you worked with?

9 14:38:04 A Yes.

10 14:38:05 Q Is this the only franchise company you

11 14:38:07 worked with other than Shipe Dosik?

12 14:38:14 A Yes.

13 14:38:17 Q Why did you forward this email to Jay at

14 14:38:22 Five Pillars Group?

15 14:38:23 A Because Jay was looking to franchise his

16 14:38:25 accounting firm and he did, I believe. He worked

17 14:38:30 with Tom for franchising that.

18 14:38:41 MR. KATAEV: 46.

19 14:38:47 (Plaintiff's Exhibit 46, Marked for Identification.)

20 14:38:52 BY MR. KATAEV:

21 14:39:24 Q I have placed in front of you what has

22 14:39:27 been marked as Plaintiff's Exhibit 46. I will

23 14:39:28 represent to you that it is a cutoff email such that

24 14:39:33 we don't have the date. I want you to focus on the

25 14:39:35 top portion where it says, To Mike Rosen, R-o-s-e-n,

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1 S. Abdulrahim Gelardi

2 14:39:39 and the email address is MIKER@IMECompanions.com.

3 14:39:44 Do you see that email address?

4 14:39:47 A Yes.

5 14:39:47 Q Who is Mike Rosen?

6 14:39:51 A Mike Rosen is Adam Rosenblatt.

7 14:39:53 Q Is that a pseudonym that you created for
8 14:39:56 Adam?

9 14:39:57 A No.

10 14:39:58 Q To disguise -- withdrawn.

11 14:40:00 Is that a pseudonym that you created
12 14:40:02 for Adam to disguise the fact that he also works for
13 14:40:07 you?

14 14:40:07 A No.

15 14:40:09 Q How did you come about making this email
16 14:40:11 address for Mike Rosen?

17 14:40:14 A Adam Rosenblatt hounded me about making
18 14:40:17 more money during Covid. He needed money, he
19 14:40:20 couldn't make any more money. I said, You know
20 14:40:23 what, if you want, I can offer you to do marketing
21 14:40:28 outside of what you do. He came up with Mike. I
22 14:40:32 wouldn't be able to come up with Mike Rosen. He
23 14:40:35 told me his name was Michael Adam Rosenblatt and he
24 14:40:38 said just do Mike R.

25 14:40:42 Q You created this email address for him,

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1 S. Abdulrahim Gelardi

2 14:40:44 correct?

3 14:40:45 A Yes.

4 14:40:47 Q Did Adam Rosenblatt use this email

5 14:40:49 address?

6 14:40:50 A He did. I don't think he did, no.

7 14:40:56 Q Did he or didn't he?

8 14:40:59 A I don't think he did. I don't think he

9 14:41:01 ever had access to it. No, I don't think he ever

10 14:41:05 had access to it.

11 14:41:07 Q When you created this email address for

12 14:41:10 him, you did it through the Outlook program you have

13 14:41:12 on your computer, correct?

14 14:41:14 A Yes.

15 14:41:15 Q What is the IT or information technology

16 14:41:17 company that you used for helping you with Outlook

17 14:41:22 issues?

18 14:41:24 A I used GoDaddy.

19 14:41:26 Q Did GoDaddy support help you set up your

20 14:41:31 email server?

21 14:41:32 A Yes.

22 14:41:34 Q Was there a separate company that came in

23 14:41:37 to install any equipment for the email server?

24 14:41:40 A No.

25 14:41:42 Q Your email server is hosted with GoDaddy,

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1 S. Abdulrahim Gelardi

2 14:41:46 correct?

3 14:41:47 A Yes.

4 14:41:53 Q Did Adam ultimately perform any marketing
5 14:41:56 services for you using this email address?

6 14:41:59 A For very short period, yes.

7 14:42:01 Q For that very short period, did he
8 14:42:03 actually send and receive emails to and from this
9 14:42:07 email address?

10 14:42:07 A Never used the email, no.

11 14:42:09 Q Why did he ask you to make this email
12 14:42:12 address if he never used it?

13 14:42:14 A He needed the email address for the
14 14:42:16 Constant Contact info.

15 14:42:19 Q He utilized this email address for
16 14:42:19 Constant Contact but he didn't access the email?

17 14:42:22 A He didn't have access to the email, no.

18 14:42:25 Q Only you had access, correct?

19 14:42:27 A Yes.

20 14:42:27 Q How much did you pay Adam for the
21 14:42:29 marketing services that he performed?

22 14:42:35 A Let me remember. This is what year? This
23 14:42:38 is during Covid, correct, 2020?

24 14:42:41 Q I don't know.

25 14:42:42 A I do know. What we agreed on was -- I

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1 S. Abdulrahim Gelardi

2 14:42:51 don't recall exactly, but I told him that, you know,

3 14:42:54 I will allow him to do a little bit of marketing to

4 14:42:59 make some money in, I think it was two to three

5 14:43:02 months and then I was like, You know what, we --

6 14:43:04 business started up again and we started taking

7 14:43:08 clients again, it ended.

8 14:43:12 Q How much did you pay him?

9 14:43:14 A I don't recall. I don't even think I paid
10 14:43:16 him to do the marketing.

11 14:43:18 Q You owe him money for the work he
12 14:43:20 performed?

13 14:43:20 A No. He barely performed anything that's
14 14:43:23 why he didn't get paid. I think he sent out one
15 14:43:27 email and I didn't like it and that was it.

16 14:43:29 Q When he sent that email, did you tell him
17 14:43:32 you didn't like it via email?

18 14:43:34 A Yes.

19 14:43:35 MR. KATAEV: We will call to the
20 14:43:36 production of that email to the extent it's not
21 14:43:37 produced in the forensic examination.

22 14:43:37 (Counsel Request.)

23 14:43:38 A Could be via email, could be phonecall,
24 14:43:40 but I know I expressed I didn't like it.

25 14:43:44 Q Is it accurate that you had an agreement

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1 S. Abdulrahim Gelardi

2 14:43:48 with one Giancarlo Simonetti, G-i-a-n-c-a-r-l-o

3 14:43:54 S-i-m-o-n-e-t-t-i, to pay him \$20 for every IME he

4 14:44:04 obtained for you to cover?

5 14:44:04 A I'm sorry.

6 14:44:06 Q Did you pay Giancarlo \$20 for every IME

7 14:44:08 that he got for you to cover?

8 14:44:13 A Did I pay Giancarlo \$20 for every IME that

9 14:44:18 I covered?

10 14:44:19 Q That IME Companions covered.

11 14:44:22 A I believe Giancarlo is a Companion.

12 14:44:25 Q Was he paid \$20 for every IME he procured?

13 14:44:29 A That he covered on his own?

14 14:44:31 Q That he obtained for IME Companions to

15 14:44:34 cover.

16 14:44:36 A What do you mean by obtained?

17 14:44:37 Q Isn't it true that Giancarlo was paid for

18 14:44:40 ever new customer you got for IME Companions?

19 14:44:45 A Giancarlo was only an IME Companion.

20 14:44:49 Q Did you pay Adam Rosenblatt any money for

21 14:44:52 obtaining new customers for IME Companions?

22 14:44:55 A I did not.

23 14:44:56 MR. KATAEV: 47.

24 14:45:11 (Plaintiff's Exhibit 47, Marked for Identification.)

25

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1 S. Abdulrahim Gelardi

2 14:45:26 BY MR. KATAEV:

3 14:46:52 Q I have handed to you what has been marked
4 14:46:54 as Plaintiff's Exhibit 47. I will represent to you
5 14:46:56 it's an email dated March 25, 2018, from you to
6 14:46:58 Giancarlo. Do you recognize this email?

7 14:47:01 A I see it.

8 14:47:03 Q In this email chain, Giancarlo tells you
9 14:47:07 on the same date at 1:56 p.m. that he's confirming
10 14:47:13 your chat with him yesterday, correct?

11 14:47:17 A Yes.

12 14:47:18 Q During that chat yesterday, you confirmed
13 14:47:20 that he will get \$20 per hour for about four to five
14 14:47:26 hours a week, correct?

15 14:47:26 A Correct.

16 14:47:27 Q He will get a \$100 referral for
17 14:47:30 casescreening.com, correct?

18 14:47:31 A Correct.

19 14:47:32 Q He would also get a \$250 referral fee for
20 14:47:36 every IME Companion after the client uses the
21 14:47:37 service five times, correct?

22 14:47:39 A Correct.

23 14:47:41 Q Isn't it true that you testified yesterday
24 14:47:43 that you stopped working at Case Screening in August
25 14:47:47 or September of 2017?

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1 S. Abdulrahim Gelardi

2 14:47:51 A Yes.

3 14:47:52 Q But this email dated, March 25th of 2018

4 14:47:54 refers to Case Screening as if it's still an active

5 14:48:00 company; can you explain?

6 14:48:02 MR. WARNER: Objection to form. You can

7 14:48:02 answer.

8 14:48:03 A Well, when -- since Giancarlo was going to

9 14:48:05 do my marketing, I had him -- might as well market

10 14:48:08 Case Screening as well since he will be reaching out

11 14:48:12 to attorneys.

12 14:48:13 Q Who was running Case Screening at the

13 14:48:15 time?

14 14:48:16 A It was dormant, it was not run.

15 14:48:20 Q You were advertising a dormant business

16 14:48:23 for the purpose of reviving it?

17 14:48:25 A Possibly, yes.

18 14:48:26 Q Did you ever revive Case Screening?

19 14:48:29 A No.

20 14:48:31 Q Did you ever pay Giancarlo a \$100 referral

21 14:48:33 fee?

22 14:48:35 A For?

23 14:48:36 Q For Case Screening.

24 14:48:37 A No. We never got clients for Case

25 14:48:39 Screening.

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1 S. Abdulrahim Gelardi

2 14:48:40 Q When you said that -- when Giancarlo said
3 14:48:43 that he will be doing \$20 an hour for four to five
4 14:48:48 hours a week, what type of work was he referring to
5 14:48:51 during those four to five hours every week?

6 14:48:55 A I believe he was doing LinkedIn.

7 14:48:57 Q He would be reaching out to prospective
8 14:48:59 customers on LinkedIn?

9 14:49:01 A Yes.

10 14:49:01 Q Did you ever reach out to prospective
11 14:49:03 customers on LinkedIn?

12 14:49:05 A Recently, yes. Prior, no.

13 14:49:09 Q In 2018 --

14 14:49:10 A I might have. I'm not sure, Mr. Kataev.
15 14:49:12 I might have.

16 14:49:14 Q In 2018, did Giancarlo use his own
17 14:49:18 personal LinkedIn account to reach out to
18 14:49:21 prospective customers or did you set up an account
19 14:49:24 for him?

20 14:49:24 A I believe he set it up himself honestly.
21 14:49:29 I don't remember.

22 14:49:30 Q When Giancarlo set up his LinkedIn
23 14:49:34 account, did he use the name Giancarlo Simonetti?

24 14:49:36 A I'm sorry, what do you mean by set up his
25 14:49:39 own LinkedIn account?

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1 S. Abdulrahim Gelardi

2 14:49:40 Q In order to set up an account on LinkedIn,
3 14:49:43 you have to provide a name and last name, correct?

4 14:49:44 A Okay.

5 14:49:45 Q Did he provide his name and last name?

6 14:49:47 A For his own LinkedIn?

7 14:49:50 Q Correct.

8 14:49:51 A I'm sure he has a LinkedIn.

9 14:49:53 Q Did he use his LinkedIn account to reach
10 14:49:57 out to prospective customers?

11 14:49:59 A No. I don't know.

12 14:49:59 Q Did you give him access to your LinkedIn
13 14:50:02 to do it?

14 14:50:03 A I believe he created a LinkedIn for me.

15 14:50:05 Q What name did he use?

16 14:50:07 A Safa Gelardi.

17 14:50:09 Q Do you have access to that account?

18 14:50:10 A Yes.

19 14:50:10 MR. KATAEV: I want you to preserve
20 14:50:10 everything in that account and we will follow
21 14:50:14 up for that in writing.

22 14:50:16 (Counsel Request.)

23 14:50:16 BY MR. KATAEV:

24 14:50:17 Q You responded to this email the same day a
25 14:50:20 few hours later and said that you agree to these

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1 S. Abdulrahim Gelardi

2 14:50:25 terms, correct?

3 14:50:26 A I don't recall, but if there is an email

4 14:50:28 then, yes.

5 14:50:41 Q Did Giancarlo perform observer services at

6 14:50:45 IMEs?

7 14:50:46 A Yes.

8 14:50:56 Q Let's go to 48, the next exhibit.

9 Before we get to this exhibit,

10 14:51:06 Giancarlo also did payroll for you, correct?

11 14:51:10 A Only for one month.

12 14:51:15 Q You paid Carlos a referral for every IME

13 14:51:18 obtained after five IMEs were done by a customer,

14 14:51:22 the same way you paid Giancarlo, correct?

15 14:51:26 A Except Carlos didn't have to wait for the

16 14:51:30 fifth IME.

17 14:51:31 Q You did the same thing with Adam, correct?

18 14:51:33 A No.

19 14:51:37 MR. KATAEV: Let's look at 48.

20 14:51:38 (Plaintiff's Exhibit 48, Marked for Identification.)

21 14:51:40 BY MR. KATAEV:

22 14:51:42 Q These are images from the IME Companions'

23 14:51:46 website, correct?

24 14:51:47 A Yes.

25 14:51:48 MR. KATAEV: This is 49.

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1

S. Abdulrahim Gelardi

2

14:52:37 (Plaintiff's Exhibit 49, Marked for Identification.)

3

14:52:41 BY MR. KATAEV:

4

14:53:07 Q I'm going to present to you, Ms. Gelardi,

5

14:53:09 that this is unfortunately a cutoff email between

6

14:53:14 yourself and Nicholas Liakis of Liakis Law dated on

7

14:53:15 or about March 1st, 2022, in which you attach a copy

8

14:53:26 of the complaint from this case, correct?

9

14:53:28 A Yes.

10

14:53:28 Q Why did you send a copy of this complaint

11

14:53:32 in this case to Nicholas Liakis?

12

14:53:35 A Because he -- I asked his professional

13

14:53:40 opinion. I said, What is this.

14

14:53:43 Q What did he say to you?

15

14:53:45 A He said, I have to look at it.

16

14:53:51 Q I will represent to you that in the email

17

14:53:53 that you sent to Nicholas you wrote in the subject

18

14:53:56 line, Jason, help me. You could see the subject is

19

14:54:01 cut off but you can see the bottom it says, Jason

20

14:54:04 help me.

21

14:54:06 A Jason, where does it say that?

22

14:54:08 Q J-a-s-o-n.

23

14:54:11 A I don't think so.

24

14:54:13 Q Is there any individual named Jason that

25

14:54:16 works for Nicholas Liakis?

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1 S. Abdulrahim Gelardi

2 14:54:17 A No.

3 14:54:18 Q Does the name Jason Ciccione ring a bell?

4 14:54:19 C-i-c-c-i-o-n-e.

5 14:54:23 A No.

6 14:54:24 Q Do you know who that individual is?

7 14:54:26 A I don't.

8 14:54:29 Q How about Jason Zemsky? Z-e-m-s-k-y.

9 14:54:34 A I know Jason.

10 14:54:35 Q Is that who you were referring to when you
11 14:54:38 sent this email?

12 14:54:39 A No.

13 14:54:40 MR. KATAEV: 50.

14 14:54:45 (Plaintiff's Exhibit 50, Marked for Identification.)

15 14:54:45 BY MR. KATAEV:

16 14:55:00 Q Did you send a copy of this complaint to
17 14:55:02 Zemsky?

18 14:55:05 A I believe I asked him to look at it as
19 14:55:11 well.

20 14:55:12 Q What did he say to you and what did you
21 14:55:13 say to him?

22 14:55:14 A I asked him if he can refer an attorney.

23 14:55:18 Q Did he recommend an attorney for you?

24 14:55:20 A Jason, everyone did.

25 14:55:21 Q Did he recommend Steve Siegler to you?

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1 S. Abdulrahim Gelardi

2 14:55:25 A No. Nick Liakis did.

3 14:55:32 Q How do you know Jason Zemsky?

4 14:55:35 A He's a client.

5 14:55:38 Q I have handed to you Exhibit 50, which I

6 14:55:41 will represent to you is an affidavit obtained from

7 14:55:43 one Rebecca Roth. Do you know who Rebecca Roth is?

8 14:55:49 A I don't.

9 14:55:51 Q If you look at the second page,

10 14:55:52 paragraph one. Please read the entire affidavit and

11 14:55:58 let me know when you're done.

12 14:56:00 A Rebecca Roth.

13 14:56:06 (Witness perusing document.)

14 14:56:20 A Okay.

15 14:56:22 Q If you go to the second page.

16 14:56:29 A Okay.

17 14:56:31 Q This is a declaration by one Rebecca Roth

18 14:56:34 executed on November 1st, 2022, correct?

19 14:56:38 A Yes.

20 14:56:39 MR. WARNER: Objection to form.

21 14:56:42 Q Rebecca Roth details in here that on

22 14:56:45 October 27th, she was approached by Tiffany Uribe,

23 14:56:49 U-r-i-b-e, and Mark Purificati, correct?

24 14:56:58 P-u-r-i-f-i-c-a-t-i.

25 14:57:02 MR. WARNER: Objection to form. She's

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S. Abdulrahim Gelardi

14:57:03 already told you she doesn't know who Rebecca
14:57:05 Roth is. You're just reading from an
14:57:08 affidavit.

14:57:09 MR. KATAEV: I'm asking her to confirm
14:57:10 whether Tiffany and Mark are individuals she
14:57:14 knows to be employed by Companions.

14:57:18 A Yes.

14:57:18 Q They are?

14:57:19 A Yes.

14:57:20 Q Are you aware that Tiffany and Mark
14:57:22 approached Rebecca Roth on this day?

14:57:25 A I'm not.

14:57:26 Q Did you direct Tiffany and Mark to do
14:57:28 this?

14:57:28 A I did not.

14:57:29 Q Did you instruct Tiffany and Mark that
14:57:31 they are not allowed to approach any employee of IME
14:57:33 Watchdog?

14:57:36 A I did not.

14:57:40 Q You are aware of the temporary restraining
14:57:42 order forbidding any contact between you, Vito and
14:57:46 anyone at Companions with any employee or
14:57:51 independent contractor of IME Watchdog, correct?

14:57:54 A Yes.

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1 S. Abdulrahim Gelardi

2 14:57:55 Q I would ask for you to instruct all

3 14:57:58 Companions and anyone else working at your direction

4 14:58:01 not to contact any employees of IME Watchdog or

5 14:58:06 independent contractors.

6 14:58:27 A Mark Purificati and Tiffany Uribe are both

7 14:58:31 not employees of IME Companions.

8 14:58:36 MR. KATAEV: No question pending. Move to

9 14:58:41 strike as nonresponsive.

10 14:58:41 BY MR. KATAEV:

11 14:58:46 Q Isn't it true that you were actively

12 14:58:47 seeking to investigate IME Watchdog, its employees

13 14:58:50 and agents concerning an alleged smear campaign?

14 14:58:55 MR. WARNER: When is this?

15 14:58:56 MR. KATAEV: In general.

16 14:58:58 A Yes.

17 14:58:59 Q Was Mark and Tiffany's communications with

18 14:59:04 Rebecca part of that investigation?

19 14:59:06 A No.

20 14:59:11 MR. KATAEV: Separately, we are going to

21 14:59:13 call for the production of all communications

22 14:59:13 between Defendants between the witness and

23 14:59:15 Nicholas Liakis, as well as the witness and

24 14:59:17 Jason Zemsky. We will follow up in writing.

25 14:59:24 (Counsel Request.)

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1 S. Abdulrahim Gelardi

2 14:59:25 MR. KATAEV: Let's mark this as 51.

3 14:59:28 (Plaintiff's Exhibit 51, Marked for Identification.)

4 14:59:40 MR. WARNER: Off the record.

5 14:59:43 (Whereupon, an off-the-record discussion was held.)

6 14:59:54 MR. KATAEV: I will start off by

7 14:59:55 exercising the right to claw back under

8 14:59:57 Rule 502D, the top portion of this email which

9 15:00:03 is privileged.

10 15:00:19 MR. WARNER: 51, right.

11 15:00:20 MR. KATAEV: Correct.

12 15:00:21 Are you ready?

13 15:00:21 MR. WARNER: Yes.

14 15:00:21 BY MR. KATAEV:

15 15:00:22 Q In the email that starts at the bottom

16 15:00:25 middle of the first page, this shows that on

17 15:00:29 LinkedIn you invited Eli Levi to connect on

18 15:00:34 LinkedIn, correct?

19 15:00:35 A Looks like that, yes.

20 15:00:35 Q Did you make this invitation request to

21 15:00:37 Eli Levi?

22 15:00:40 A Yes. Probably, yes.

23 15:00:41 Q Are you aware that you are not supposed to

24 15:00:44 contact Eli Levi pursuant to the temporary

25 15:00:44 restraining order?

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1 S. Abdulrahim Gelardi

2 15:00:47 A This is prior to the temporary restraining
3 15:00:51 order.

4 15:00:52 Q This invitation was sent on November 29,
5 15:00:54 2022, correct?

6 15:00:57 A Okay, yes.

7 15:00:58 Q We again caution you to --

8 15:01:02 A I would like to say, it was a mistake
9 15:01:03 because I do it -- I just do the quick clicks and I
10 15:01:07 believe I withdrew that.

11 15:02:24 THE VIDEOGRAPHER: The time is 3:02 p.m.

12 15:02:25 We are going off the record.

13 15:02:30 (Whereupon, an off-the-record discussion was held.)

14 15:09:05 THE VIDEOGRAPHER: The time is 3:09 p.m.

15 15:09:08 We are back on the record.

16 15:09:11 (Plaintiff's Exhibit 52, Marked for Identification.)

17 15:09:12 BY MR. KATAEV:

18 15:09:13 Q Ms. Gelardi, I have presented to you
19 15:09:16 Plaintiff's Exhibit 52, which I represent to you is
20 15:09:21 a screen capture of the IME Companions' website
21 15:09:28 between the dates of August 5, 2018 through
22 15:09:33 August 7, 2022. Do you recognize the middle portion
23 15:09:36 of this document as something that was on your
24 15:09:39 website?

25 15:09:43 A It looks familiar.

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1 S. Abdulrahim Gelardi

2 15:09:44 Q These customer reviews, were they not

3 15:09:46 copied and pasted from the IME Watchdog site?

4 15:09:52 A I don't think I ever had these reviews on

5 15:09:55 my website, Mr. Kataev.

6 15:09:58 Q Look at the second page, same question.

7 15:10:08 A What is your question?

8 15:10:10 Q If you see the second page, it says,

9 15:10:13 IMEWatchdog.com and it's a screen capture from

10 15:10:17 July 12, 2022 through September 25th of 2018; do you

11 15:10:19 see that?

12 15:10:21 A Yes.

13 15:10:22 Q If you look at the first page together

14 15:10:25 with the second page --

15 15:10:32 A I never had these on my website,

16 15:10:34 Mr. Kataev.

17 15:10:47 Q I'm done with this exhibit. Question

18 15:10:49 withdrawn.

19 15:10:52 (Plaintiff's Exhibit 53, Marked for Identification.)

20 15:11:20 BY MR. KATAEV:

21 15:11:21 Q I have placed before you Plaintiff's

22 15:11:24 Exhibit 53. I will represent to you it is a

23 15:11:32 June 10, 2018 email from you to Gregory Elefterakis.

24 15:11:40 Do you recognize this email?

25 15:11:41 A Yes.

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1 S. Abdulrahim Gelardi

2 15:11:42 Q You wrote this email from an in-person

3 15:11:44 business meeting concerning IME Companions, correct?

4 15:11:47 A Yes.

5 15:11:48 Q Why is it that you wanted to have a

6 15:11:50 meeting?

7 15:11:54 A Why did I want to have a meeting with

8 15:11:57 Greg?

9 15:11:57 Q Correct.

10 15:11:59 A Business matters. We were partners.

11 15:12:03 Q In this email, generally speaking, you're

12 15:12:04 complaining that Greg, Roman and Anthony are not

13 15:12:08 pulling their weight in the business?

14 15:12:10 A Correct.

15 15:12:12 Q Why is it that -- withdrawn.

16 15:12:15 At what point in time did Greg, Roman

17 15:12:17 and Anthony stop assisting you with IME Companions?

18 15:12:23 A They didn't stop assisting. What I stated

19 15:12:27 was that it was an unfair workload.

20 15:12:35 Q What were you looking to achieve from

21 15:12:36 sending this email at a meeting?

22 15:12:40 A I wanted to -- I wanted to buy their

23 15:12:44 share.

24 15:12:47 Q Did they agree to do that?

25 15:12:49 A Yes.

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1 S. Abdulrahim Gelardi

2 15:13:08 Q In this email, in the middle of the first
3 15:13:10 paragraph you state to them, you state to Greg, We
4 15:13:15 came to you for a partnership with a list of
5 15:13:18 attorneys who currently use the service in hopes of
6 15:13:21 your share of the company would be sales and faster
7 15:13:25 growth; do you see that?

8 15:13:27 A Yes.

9 15:13:29 Q In this email, you're referring to the
10 15:13:30 list of attorneys in the 2016 sales by customer
11 15:13:35 summary, correct?

12 15:13:37 A I don't know.

13 15:13:38 Q What list of attorneys are you referring
14 15:13:39 to?

15 15:13:41 A I'm not sure but I know that we never used
16 15:13:43 any of Watchdogs lists.

17 15:13:46 Q How would you have a list of attorneys who
18 15:13:51 currently used IME Watchdog business?

19 15:13:55 A Even if we had a list, Mr. Kataev, Greg
20 15:13:58 had a way larger list.

21 15:14:00 Q In this email you're saying that you came
22 15:14:02 to them for partnership with a list of attorneys,
23 15:14:05 not the other way around, right?

24 15:14:07 A Either way, we never used a list.

25 15:14:31 MR. KATAEV: Let's do 54.

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1 S. Abdulrahim Gelardi

2 15:14:33 (Plaintiff's Exhibit 54, Marked for Identification.)

3 15:14:35 BY MR. KATAEV:

4 15:14:53 Q I have placed in front of you what has

5 15:14:57 been marked as Plaintiff's Exhibit 54. I will

6 15:15:00 represent to you it's an email from August 10, 2018,

7 15:15:02 again from you to Greg. Do you recognize this

8 15:15:05 email?

9 15:15:06 A Yes.

10 15:15:09 Q You state in this email in the second

11 15:15:10 sentence, I want to also address the issue we spoke

12 15:15:14 last about. I want you to know that I would never

13 15:15:18 hurt you or your business. On the contrary, I

14 15:15:20 wanted to work with you and learn from you. As for

15 15:15:23 the gossip, I got caught in the crossfire; do you

16 15:15:27 see that?

17 15:15:28 A Yes.

18 15:15:29 Q What are you referring to there?

19 15:15:30 A Personal matters that happened in the

20 15:15:31 office.

21 15:15:32 Q What are the personal matters that

22 15:15:34 happened in the office?

23 15:15:35 A I don't recall. It had nothing to do with

24 15:15:37 anything important.

25 15:15:37 Q Did you have some sort of inappropriate

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1 S. Abdulrahim Gelardi

2 15:15:40 relationship with Greg?

3 15:15:42 A Absolutely not.

4 15:15:44 Q What gossip are you referring to and what
5 15:15:47 do you mean by you got caught in the crossfire?

6 15:15:52 A Gossip, receiving end.

7 15:15:56 Q Who were the parties in the crossfire?

8 15:16:02 A People in the office.

9 15:16:03 Q In the office of Case Cash?

10 15:16:06 A Correct.

11 15:16:07 Q What are the names of the individuals?

12 15:16:10 A I don't know, Mr. Kataev. This is just
13 15:16:12 a -- he said/she said girl stuff.

14 15:16:16 Q You don't remember who it was that you're
15 15:16:31 talking about in the crossfire?

16 15:16:35 A I don't remember. I know that -- I don't
17 15:16:37 remember exactly what happened. It was one of the
18 15:16:39 girls at the office and another guy. It had nothing
19 15:16:46 to do with any one of us partners.

20 15:16:49 Q When you refer to one of the girls in the
21 15:16:51 office and another guy, are those individuals that
22 15:16:55 both worked at Case Cash?

23 15:16:57 A Yes.

24 15:16:58 Q How many employees are there at Case Cash
25 15:17:01 roundabout?

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1 S. Abdulrahim Gelardi

2 15:17:02 A I don't know. Maybe 20.

3 15:17:04 Q Are these individuals that you sat close
4 15:17:06 to while working there?

5 15:17:09 A It was an office.

6 15:17:11 Q Did you have your own private office
7 15:17:13 there?

8 15:17:13 A No.

9 15:17:14 Q You worked out of a cubicle?

10 15:17:16 A No. Just a bunch of desks.

11 15:17:18 Q Where were these two individuals in
12 15:17:21 relation to your desk?

13 15:17:24 A In the office. Not directly next to me.

14 15:17:41 MR. KATAEV: Mark this 55.

15 15:17:41 (Plaintiff's Exhibit 55, Marked for Identification.)

16 15:17:45 BY MR. KATAEV:

17 15:18:09 Q I've placed in front of you what has been
18 15:18:12 marked as Plaintiff's Exhibit 55.

19 15:18:14 A Yes.

20 15:18:14 Q I will represent to you it's an email that
21 15:18:17 was sent to you from Carlos regarding Daniella Levi.
22 15:18:21 Do you recall receiving an email like this?

23 15:18:23 A Yes, I do.

24 15:18:24 Q Can you explain what led to Carlos sending
25 15:18:27 you this email?

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1 S. Abdulrahim Gelardi

2 15:18:33 A Carlos is probably a bigger snake than

3 15:18:36 Adam. This is Carlos' personal contribution to

4 15:18:40 IME Companions, which I brushed off Daniella. This

5 15:18:43 is all him. I had no desire to know or want to know

6 15:18:49 anything like this. Mister I have friends in the

7 15:18:51 FBI, check this out.

8 15:19:00 MR. KATAEV: I have nothing further.

9 15:19:08 MR. WARNER: Thank you very much.

10 15:19:10 MR. KATAEV: No, nothing further on that

11 15:19:14 exhibit.

12 15:19:26 MR. WARNER: On that exhibit, okay.

13 15:19:26 MR. KATAEV: 56.

14 15:19:26 (Plaintiff's Exhibit 56, Marked for Identification.)

15 15:19:28 BY MR. KATAEV:

16 15:20:05 Q Do you have the exhibit in front of you?

17 15:20:07 A Yes.

18 15:20:07 Q I have placed in front of you what has

19 15:20:10 been marked as Plaintiff Exhibit 56. I will

20 15:20:13 represent it's an email that Adam sent you on

21 15:20:15 August 21, 2019; do you see that?

22 15:20:17 A Yes.

23 15:20:19 Q On this date, Adam sent you a list of one,

24 15:20:21 two, three, four, five, six separate law firms

25 15:20:26 together with email addresses to contact at those

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1 S. Abdulrahim Gelardi

2 15:20:30 law firms, correct?

3 15:20:31 A Yes.

4 15:20:31 Q He wrote at the bottom, All paid full
5 15:20:34 price, correct?

6 15:20:35 A Yes.

7 15:20:36 Q Why did he sent you this email?

8 15:20:38 A Adam just wanted to be -- he wanted a
9 15:20:41 friend. He would just send stuff. He has diarrhea
10 15:20:44 of email. No one ever asked him for anything.
11 15:20:48 Other people didn't ask him for this. Adam sends
12 15:20:54 because he thinks that's what people want.

13 15:20:59 Q When you received these, you use this
14 15:21:02 information, correct?

15 15:21:03 A I forwarded this information to Carlos
16 15:21:05 because Carlos is another money-hungry Adam, but
17 15:21:10 maybe just speaks better and I forwarded this to
18 15:21:12 him. I said, Here, you want to make some money,
19 15:21:14 look at dumbass Adam, what he sent me.

20 15:21:17 Q Whenever Carlos went and obtained any of
21 15:21:19 those customers, IME Companions benefited from it,
22 15:21:31 correct?

23 15:21:32 MR. WARNER: Objection to form.

24 15:21:34 Q You can answer.

25 15:21:35 A Carlos can't do anything on his own.

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1 S. Abdulrahim Gelardi

2 15:21:39 Q Did you benefit from this list?

3 15:21:41 A Did I benefit from this list? No, I did
4 15:21:42 not.

5 15:21:43 Q Did you benefit from any customer that
6 15:21:45 Carlos was able to obtain by the information
7 15:21:47 provided by Adam?

8 15:21:49 A Carlos was not able to obtain any
9 15:21:52 customers on his own.

10 15:21:52 Q Did you benefit from --

11 15:21:54 A I did not.

12 15:21:56 Q Do you have any documents that prove that
13 15:21:58 the Zelle payments you gave to Adam were for
14 15:22:03 Watchdog interpreters?

15 15:22:05 A Do I have -- please repeat.

16 15:22:07 Q Do you have any documents that prove that
17 15:22:08 the Zelle payments you made to Adam were for
18 15:22:11 Watchdog interpreters?

19 15:22:13 A No, Mr. Kataev. They were a handful here
20 15:22:21 and there every month. There was no documentation
21 15:22:24 needed. It was very easy to keep track of that.

22 15:22:28 Q Do you have any documents or information
23 15:22:30 to support your claim that you did not steal
24 15:22:33 anything from IME Watchdog?

25 15:22:35 A Yes. I do not have. I'm sorry.

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1 S. Abdulrahim Gelardi

2 15:22:41 Q Did you obtain -- looking back at this

3 15:22:43 exhibit, did you obtain Bergman Bergman Goldberg &

4 15:22:47 Fields as a customer of IME Companions?

5 15:22:50 A Bergman & Bergman was already my client.

6 15:22:54 Q Did you obtain Rosenberg & Gluck as a

7 15:22:58 customer of IME Companions?

8 15:23:00 MR. WARNER: Are you saying after this

9 15:23:02 email?

10 15:23:02 MR. KATAEV: After this email.

11 15:23:03 A I did not obtain Rosenberg & Gluck after

12 15:23:05 this email.

13 15:23:08 Q Same question for Siegel & Coonerty, LLP?

14 15:23:11 A No.

15 15:23:13 Q Same question for Law Offices of Oren J.

16 15:23:13 Cohen?

17 15:23:17 A No.

18 15:23:17 Q Same question for Silver & Kelmachter?

19 15:23:20 K-e-l-m-a-c-h-t-e-r.

20 15:23:22 A No.

21 15:23:23 Q Same for question for Zalman Schnurman &

22 15:23:23 Miner?

23 15:23:27 A No.

24 15:23:32 Q At no point in time after this email did

25 15:23:35 any of these firms become a customer of IME

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1 S. Abdulrahim Gelardi

2 15:23:39 Companions, correct?

3 15:23:41 A No. I do have Bergman & Bergman, I don't

4 15:23:43 recall exactly the date, but this email has nothing

5 15:23:46 to do with it. This was forwarded to Carlos by me,

6 15:23:52 which Carlos is a nonproducer and I know you guys

7 15:23:55 are so happy with him. Trust me, I was happy and

8 15:23:59 then he snakes. You all will be here, trust me.

9 15:24:02 Next couple of years. I just want her to know. Not

10 15:24:07 to be too happy. A snake is a snake.

11 15:24:12 MR. KATAEV: 57.

12 15:24:49 (Plaintiff's Exhibit 57, Marked for Identification.)

13 15:24:54 BY MR. KATAEV:

14 15:25:07 Q This is a January 8, 2020 email between

15 15:25:14 Mike Rosen and a law firm called Decolator, Cohen

16 15:25:18 and Di Prisco, correct?

17 15:25:22 A Correct.

18 15:25:23 Q In this email exchange, Mike Rosen

19 15:25:26 forwards this email to you, correct?

20 15:25:29 A Yes. I forwarded it to myself.

21 15:25:32 Q It was not Adam that did this, it was you?

22 15:25:34 A Yes.

23 15:25:35 MR. KATAEV: 58.

24 15:25:53 (Plaintiff's Exhibit 58, Marked for Identification.)

25

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1 S. Abdulrahim Gelardi

2 15:25:54 BY MR. KATAEV:

3 15:26:19 Q I have presented to you Plaintiff's
4 15:26:21 Exhibit 58, which is November 5, 2019 email exchange
5 15:26:25 between Mike Rosen and another law firm called
6 15:26:28 Georgakalis & Mallas. G-e-o-r-g-a-k-a-l-i-s and
7 15:26:35 M-a-l-l-a-s.

8 15:26:37 A Yes.

9 15:26:37 Q This email exchange with Mike Rosen, that
10 15:26:40 was you, correct?

11 15:26:43 A Correct.

12 15:26:44 Q Adam did not send these emails, correct?

13 15:26:46 A Yes.

14 15:26:47 Q Why were you using the Mike Rosen email
15 15:26:50 address?

16 15:26:51 A Because it was set up that way. Although
17 15:26:54 he stopped using the Constant Contact, I kind of
18 15:26:57 took him off of it, I didn't like what he was doing.
19 15:27:01 It was set up that way. I had to cancel it and use
20 15:27:05 a new email which I eventually canceled it. It was
21 15:27:07 very short-lived.

22 15:27:09 Q The Mike Rosen email address is no longer
23 15:27:12 active?

24 15:27:13 A No.

25 15:27:14 Q When did it become deactivated?

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1 S. Abdulrahim Gelardi

2 15:27:17 A I don't recall but I can tell you it was
3 15:27:18 maybe a matter of a month, maybe two tops, but yes,
4 15:27:26 it was set up with that email.

5 15:27:32 Q Couldn't you send the same email from your
6 15:27:34 email address?

7 15:27:38 A Yes. I'm sorry, no, because the Constant
8 15:27:42 Contact was set up with the Mike email, as I
9 15:27:46 explained, so I had to forward it to myself.

10 15:27:57 Q Isn't it true that you used the Mike Rosen
11 15:27:59 email address to give an impression that there was a
12 15:28:01 Jewish individual working at IME Companions?

13 15:28:06 A No. Oh, my God.

14 15:28:15 MR. KATAEV: This is 59.

15 15:28:16 (Plaintiff's Exhibit 59, Marked for Identification.)

16 15:28:20 BY MR. KATAEV:

17 15:28:33 Q I have placed in front of you what has
18 15:28:36 been marked as Plaintiff's Exhibit 59. This is a
19 15:28:39 December 3rd, 2019 email sent from Carlos Roa to a
20 15:28:44 law firm, correct?

21 15:28:46 A Yes.

22 15:28:50 Q You directed Carlos on what to include and
23 15:28:53 not include in such emails, correct?

24 15:28:56 A No, I did not.

25 15:29:00 Q Are you saying that Carlos drafted this

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1 S. Abdulrahim Gelardi

2 15:29:02 email himself without any input or direction from
3 15:29:07 you?

4 15:29:07 A Yes.

5 15:29:08 Q Did you send any similar emails like this?

6 15:29:11 A Yes, I used this email.

7 15:29:14 Q You put in here on the third paragraph, We
8 15:29:16 are independently owned, not owned by another law
9 15:29:20 firm or case loan company, correct?

10 15:29:22 A Yes.

11 15:29:23 Q Why did you say that and why is there a
12 15:29:25 mention of that?

13 15:29:26 A This was Carlos' email, Carlos' idea so I
14 15:29:31 think the question is for him.

15 15:29:44 Q But you used the same email as Carlos did,
16 15:29:47 correct?

17 15:29:49 A Yes. It is a true statement so I want to
18 15:29:54 put that on the record.

19 15:29:57 Q You were previously affiliated with a case
20 15:29:59 loan company, correct?

21 15:30:01 A Correct.

22 15:30:01 Q The IME reports that you attach here in
23 15:30:05 this email are copied from IME Watchdog, correct?

24 15:30:10 A No.

25 15:30:10 MR. KATAEV: 60.

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1 S. Abdulrahim Gelardi

2 15:30:20 (Plaintiff's Exhibit 60, Marked for Identification.)

3 15:30:23 BY MR. KATAEV:

4 15:30:35 Q I have placed in front of you Plaintiff's
5 15:30:36 Exhibit 60, which is a email sent on August 9, 2017
6 15:30:41 from you to Ronald Rosenblatt with an attachment; do
7 15:30:45 you recognize this document?

8 15:30:47 A I don't.

9 15:30:48 Q Why did you send Ron Rosenblatt an IME
10 15:30:51 Watchdog report?

11 15:30:54 A I have no idea.

12 15:30:55 MR. KATAEV: 61.

13 15:33:22 (Plaintiff's Exhibit 61, Marked for Identification.)

14 15:33:22 BY MR. KATAEV:

15 15:33:53 Q Ms. Gelardi, I have placed in front of you
16 15:33:56 Plaintiff's Exhibit 61, which is an email exchange
17 15:33:59 dated December 14, 2018 between yourself, Nicholas
18 15:34:02 Elefterakis, Michael Elefterakis and John
19 15:34:08 Elefterakis, correct?

20 15:34:09 A Yes.

21 15:34:12 Q You state in here that it was great
22 15:34:14 meeting with them today, being December 14, 2018,
23 15:34:18 correct?

24 15:34:20 A Yes.

25 15:34:21 Q You met with them at the Law Office of

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1 S. Abdulrahim Gelardi

2 15:34:24 Elefterakis, Elefterakis & Panek on this date,

3 15:34:27 correct?

4 15:34:29 A Yes.

5 15:34:30 Q What did you discuss at this meeting with

6 15:34:36 Nicholas Elefterakis?

7 15:34:37 A We discussed -- we discussed for them to

8 15:34:43 use our attorney service business where we can run

9 15:34:46 their calendar the way we run Subin's calendar.

10 15:34:54 Q Did you secure their business?

11 15:34:55 A No.

12 15:34:58 Q Did there come a later point in time where

13 15:35:00 you were able to do so?

14 15:35:02 A No.

15 15:35:25 MR. WARNER: I'm sorry, off the record.

16 15:35:27 (Whereupon, an off-the-record discussion was held.)

17 15:36:02 MR. KATAEV: 62.

18 15:36:02 (Plaintiff's Exhibit 62, Marked for Identification.)

19 15:36:03 BY MR. KATAEV:

20 15:36:11 Q Ms. Gelardi, I have placed in front of you

21 15:36:12 what has been marked as Plaintiff's Exhibit 62. I

22 15:36:17 will represent to you that this is an email exchange

23 15:36:19 originally between Adam to you and then you

24 15:36:23 forwarded it to Mr. Roa; do you recognize this

25 15:36:26 email?

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1 S. Abdulrahim Gelardi

2 15:36:26 A Yes.

3 15:36:27 Q In this email, Adam Rosenblatt attaches an
4 15:36:30 IME Watchdog report with the subject, New template,
5 15:36:33 correct?

6 15:36:35 A I don't know.

7 15:36:38 Q Look at the first page from Adam to Safa,
8 15:36:41 subject, New template, and at the top there is an
9 15:36:43 attachment, Vivian Levia.

10 15:36:48 A Okay.

11 15:36:49 Q Do you understand that Adam sent you this
12 15:36:50 attachment, correct?

13 15:36:52 A Yes.

14 15:36:53 Q He writes here in the body of the message,
15 15:36:55 They have to write better reports and they need to
16 15:37:00 not dress like vagrants; do you see that?

17 15:37:03 A Yes.

18 15:37:03 Q Who is Adam referring to, to your
19 15:37:05 knowledge?

20 15:37:07 A To my knowledge, Adam thinks nobody in the
21 15:37:10 world can do this better than him and he constantly
22 15:37:14 gave my his, as you see, everything -- he volunteers
23 15:37:21 everything.

24 15:37:24 Q Who are the vagrants that he's referring
25 15:37:26 to?

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1 S. Abdulrahim Gelardi

2 15:37:26 A The vagrants he's referring to are the

3 15:37:29 Companions.

4 15:37:30 Q He's not referring to the Watchdogs as

5 15:37:32 vagrants?

6 15:37:32 A No. He's referring to the Companions.

7 15:37:37 Q Whatever Adam purportedly volunteered to

8 15:37:42 you, you used it, correct?

9 15:37:44 A I forwarded it to Carlos because I was

10 15:37:46 doing sales, he was running the operations.

11 15:37:52 Q You forwarded it to Carlos even though you

12 15:37:55 knew it was confidential, correct?

13 15:37:59 MR. WARNER: Objection to form. You can

14 15:37:59 answer.

15 15:38:00 A I forwarded the email to Carlos because of

16 15:38:02 what it said so he can speak to the Companions and

17 15:38:05 find out if they are actually dressed like vagrants

18 15:38:08 and in response to that -- I will leave it like

19 15:38:12 that.

20 15:38:13 Q Please finish your answer.

21 15:38:14 A Carlos came back with a response to the

22 15:38:19 Watchdogs and how they look. This is just Adam with

23 15:38:23 his volunteer stuff.

24 15:38:25 Q You didn't ask Adam?

25 15:38:28 A Absolutely not.

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1 S. Abdulrahim Gelardi

2 15:38:28 Q You never asked Adam for anything?

3 15:38:30 A I never asked Adam for any of these
4 15:38:32 emails. I may have asked him for a report once.

5 15:38:38 MR. KATAEV: Let's mark this 63.

6 15:38:39 (Plaintiff's Exhibit 63, Marked for Identification.)

7 15:39:03 BY MR. KATAEV:

8 15:39:05 Q Before we get into this exhibit, any
9 15:39:08 information that you did receive from Adam that you
10 15:39:10 forwarded to Carlos, you expected Carlos to use that
11 15:39:14 information, correct?

12 15:39:16 A I sent it to him. He was also -- I sent
13 15:39:20 it to Carlos because he constantly asked for leads
14 15:39:24 as well.

15 15:39:25 Q You wanted Carlos to use the information,
16 15:39:27 correct?

17 15:39:28 A I forwarded it to Carlos.

18 15:39:30 Q Yes or no?

19 15:39:31 A Is the question?

20 15:39:32 Q You wanted Carlos to use the information
21 15:39:34 obtained from Adam, correct?

22 15:39:39 A Did I want him to? It was helping.

23 15:39:43 Q It helped to generate and improve the
24 15:39:45 Companions business?

25 15:39:46 A He never generated anything. He sucks.

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1 S. Abdulrahim Gelardi

2 15:39:50 Q It helped to improve the Companions

3 15:39:52 business, correct?

4 15:39:52 A It never improved the Companions business.

5 15:39:55 Q Let's go to Plaintiff's Exhibit 63. I

6 15:40:01 will represent to you this is a text message

7 15:40:03 exchange between yourself and Carlos; do you

8 15:40:05 recognize this?

9 15:40:07 A I don't recognize it but I see it.

10 15:40:10 Q To the right, Carlos is asking you if

11 15:40:12 there is any more leads, correct?

12 15:40:14 A Yes.

13 15:40:14 Q You responded with a phone number and

14 15:40:17 information about who to contact at which law firm,

15 15:40:21 correct?

16 15:40:21 A Yes.

17 15:40:22 Q You did that because Adam gave you that

18 15:40:24 information, correct?

19 15:40:25 A Yes.

20 15:40:26 Q On the second page is full photo of the

21 15:40:29 screen shot that you sent to Carlos, correct?

22 15:40:33 A Yes.

23 15:40:34 Q You obtained that screen shot from Adam,

24 15:40:36 correct?

25 15:40:37 A Yes.

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1 S. Abdulrahim Gelardi

2 15:40:37 MR. KATAEV: 64.

3 15:41:18 (Plaintiff's Exhibit 64, Marked for Identification.)

4 15:41:21 BY MR. KATAEV:

5 15:41:29 Q I have placed in front of you,

6 15:41:30 Ms. Gelardi, Plaintiff's Exhibit 64, which is a

7 15:41:38 Supplemental Reply Declaration of Adam Rosenblatt in

8 15:41:44 Further Support of a Motion that was filed in

9 15:41:47 April of 2022 after the Show Cause Hearing; do you

10 15:41:50 recall reviewing this declaration?

11 15:41:52 A Yes.

12 15:41:59 Q I will refer to paragraphs and ask you

13 15:42:00 questions about them. Go to the bottom of page two,

14 15:42:18 paragraph ten. Adam swears under penalty of perjury

15 15:42:26 that his father Ronald introduced him to you in 2016

16 15:42:32 and that you proposed to finance an IME business for

17 15:42:35 him; is that true?

18 15:42:38 A No.

19 15:42:48 Q On page three, paragraph 12, Adam swears

20 15:42:52 under penalty of perjury that you gave \$5,000 for

21 15:42:55 all of the IME Watchdog confidential and proprietary

22 15:42:59 business and financial information; is that true?

23 15:43:02 A No.

24 15:43:21 Q Paragraph 15, Adam swears under penalty of

25 15:43:26 perjury that you kept coming back to him for more

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1 S. Abdulrahim Gelardi

2 15:43:29 and he says that he was blackmailed and you made

3 15:43:32 more demands; do you deny that?

4 15:43:34 A Completely.

5 15:43:35 Q He says that sometimes instead of

6 15:43:37 blackmail, you paid him in cash and then Zelle

7 15:43:41 payments after you gave birth; do you deny that?

8 15:43:45 A Yes.

9 15:43:45 MR. KATAEV: We are up to 65.

10 15:44:12 (Plaintiff's Exhibit 65, Marked for Identification.)

11 15:44:13 BY MR. KATAEV:

12 15:44:37 Q I have placed in front of you Plaintiff's

13 15:44:44 Exhibit 65, which I will represent to you are screen

14 15:44:47 shots of comments made to a post on your Facebook

15 15:44:51 profile and a sort of conversation between yourself

16 15:44:55 and an individual named Jason Paris. Do you

17 15:44:58 recognize this exchange?

18 15:44:59 A Yes.

19 15:45:00 Q Jason Paris is a personal injury attorney,

20 15:45:02 correct?

21 15:45:03 A Yes.

22 15:45:04 Q Was Jason Paris ever a customer of

23 15:45:08 Companions?

24 15:45:08 A No.

25 15:45:09 Q Did you attempt to solicit Jason Paris'

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2 15:45:10 business at any point in time?

3 15:45:11 A No.

4 15:45:12 Q Has Jason Paris ever had any prior contact
5 15:45:19 with you?

6 15:45:19 A No.

7 15:45:22 Q In response to Jason Paris' comment, you
8 15:45:28 responded to him and made certain statements,
9 15:45:36 correct?

10 15:45:37 A Yes.

11 15:45:37 Q On the third page when Jason asks you why
12 15:45:54 you pled the Fifth, you told him it was bad advice,
13 15:45:58 correct?

14 15:45:59 A Correct.

15 15:46:00 Q You said that you did not want to plead
16 15:46:01 the Fifth, correct?

17 15:46:03 A Yes.

18 15:46:04 Q Why did you not want to plead the Fifth?

19 15:46:07 A I didn't think I did anything wrong.

20 15:46:16 Q Generally speaking on your Facebook
21 15:46:17 account, your personal Facebook account, did you
22 15:46:20 maintain friendships or connections to personal
23 15:46:23 injury attorneys, correct?

24 15:46:25 A Yes.

25 15:46:34 Q Other than the items that we have gone

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1 S. Abdulrahim Gelardi

2 15:46:36 over today, did Adam Rosenblatt provide you with any

3 15:46:40 other information or documents relating to IME

4 15:46:42 Watchdog?

5 15:46:43 MR. WARNER: Objection to form.

6 15:46:43 A Not that I know of.

7 15:46:45 Q Isn't it true that you pulled a

8 15:46:47 bait-and-switch with Adam where you initially

9 15:46:49 offered him a sweetheart deal and then walked back

10 15:46:53 on your offer?

11 15:46:54 A No.

12 15:46:55 Q Isn't it true that Greg told you not to

13 15:47:04 the use the company name IME Guarddog?

14 15:47:08 A No.

15 15:47:08 Q IME Companions is the first business you

16 15:47:12 ever formed, correct?

17 15:47:14 A Correct.

18 15:47:23 Q You currently do not rent or lease or own

19 15:47:26 any property from which you operate IME Companions,

20 15:47:30 correct?

21 15:47:31 A Correct. I'm sorry, that's not correct.

22 15:47:37 Q What -- where do you operate?

23 15:47:40 A I operate from my home.

24 15:47:42 Q Other than your home nowhere else, right?

25 15:47:47 You understood my question?

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S. Abdulrahim Gelardi

2

15:47:49

A

Not really. I understood it afterwards.

3

15:47:55

Q

Do you have any insurance policies

4

15:47:56

associated with your business, IME Companions?

5

15:47:59

A

No.

6

15:48:01

Q

Do you have general liability coverage?

7

15:48:03

A

No.

8

15:48:04

Q

Do you have any business liability

9

15:48:05

coverage?

10

15:48:05

A

No.

11

15:48:06

Q

Do you have any umbrella coverage?

12

15:48:08

A

No.

13

15:48:08

Q

Do you have a business checking account?

14

15:48:10

A

Yes.

15

15:48:10

Q

You bank with Chase, correct?

16

15:48:12

A

Yes.

17

15:48:12

Q

Do you have any business credit card?

18

15:48:15

A

Yes.

19

15:48:15

Q

Do you have any business loans?

20

15:48:17

A

Yes.

21

15:48:18

Q

Do you have a business line of credit?

22

15:48:20

A

Yes.

23

15:48:21

Q

All of those are with IME Companions,

24

15:48:23

correct?

25

15:48:24

A

Yes.

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1 S. Abdulrahim Gelardi

2 15:48:24 Q All of your Companions are paid as
3 15:48:43 independent contractors, correct?

4 15:48:44 A Yes.

5 15:48:45 Q Most of your Companions exclusively work
6 15:48:50 for you, correct?

7 15:48:51 A Correct, as far as I know.

8 15:48:56 Q How do you pay the Companions?

9 15:48:59 A I pay them through Paychex.

10 15:49:09 Q You issue 1099s to these individuals,
11 15:49:12 correct?

12 15:49:13 A Correct.

13 15:49:13 Q Do you ever pay them through Zelle?

14 15:49:18 A Sometimes.

15 15:49:19 Q Did you ever pay them through Venmo?

16 15:49:22 A I don't think I've ever used Venmo.

17 15:49:24 Q Did you ever pay them with cash?

18 15:49:26 A Never cash.

19 15:49:28 Q How come?

20 15:49:29 A It's not a cash business.

21 15:49:32 Q You file income tax returns for
22 15:49:35 Companions?

23 15:49:36 A Yes.

24 15:49:37 Q Other than Five Pillars and the other CPA
25 15:49:41 you identified, there is no other accountant that

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1 S. Abdulrahim Gelardi

2 15:49:44 prepared returns for Companions?

3 15:49:46 A Yes.

4 15:49:55 Q Are you familiar with the acronym NYSTLA?

5 15:49:59 A Yes.

6 15:50:00 Q What does it stand for?

7 15:50:01 A New York State Trial Lawyer Association.

8 15:50:04 Q When did you first become aware of it?

9 15:50:09 A I became aware of it from Greg from the
10 15:50:14 very beginning.

11 15:50:18 Q Do you have any connections to NYSTLA?

12 15:50:26 MR. WARNER: I'm sorry, do you or did
13 15:50:26 Greg?

14 15:50:26 BY MR. KATAEV:

15 15:50:26 Q Do you have any connections to NYSTLA?

16 15:50:29 A Yes.

17 15:50:29 Q Are you a partner for justice for NYSTLA?

18 15:50:32 A Yes.

19 15:50:33 Q What does the term partner for justice
20 15:50:36 mean to you?

21 15:50:39 A I think it's self explanatory, no?

22 15:50:45 Q Can you explain in your own words?

23 15:50:47 A Yes. A partner for justice is a bunch of
24 15:50:50 vendors, companies working with an organization that
25 15:50:55 provides services for plaintiffs in injury claims

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1 S. Abdulrahim Gelardi

2 15:51:02 for attorneys.

3 15:51:07 Q What items do you consider are trade
4 15:51:09 secrets owned by Companions?

5 15:51:12 A There are no trade secrets for Companions.

6 15:51:14 Q Does IME Companions have a nondisclosure
7 15:51:18 agreement that requires its employees and
8 15:51:19 independent contractors or agents to sign?

9 15:51:23 A A nondisclosure agreement?

10 15:51:26 Q Yes, or a confidentiality agreement.

11 15:51:29 A I believe Carlos created something in the
12 15:51:30 past. I don't recall if it's a nondisclosure or
13 15:51:34 confidential. He used it for his previous
14 15:51:39 businesses and handed it over.

15 15:51:40 Q Is that something that you use?

16 15:51:43 A I did use initially when he first
17 15:51:46 presented it.

18 15:51:47 Q You no longer use it?

19 15:51:49 A I don't.

20 15:51:50 Q What was the reason you had such an
21 15:51:53 agreement in place?

22 15:51:54 A Carlos recommended it.

23 15:51:57 Q What documents did you provide Gregory
24 15:51:59 Elefterakis before you and him went into a business
25 15:52:03 venture together?

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1 S. Abdulrahim Gelardi

2 15:52:07 A All I showed Greg was those two invoices.

3 15:52:19 Q Fair to say that any time you met with

4 15:52:21 Bridda or Pollak, you also met with Greg?

5 15:52:25 A No.

6 15:52:26 Q What was Pollak's role when he worked with
7 15:52:28 you at Companions?

8 15:52:32 A Pollak's role he would do invoicing, he

9 15:52:35 would do administrative stuff, send emails, you

10 15:52:40 know, reach out to attorneys via email, things like

11 15:52:45 that.

12 15:52:46 Q What about Bridda?

13 15:52:47 A Bridda also initially started editing

14 15:52:50 reports, creating documents, reaching out to

15 15:52:54 attorneys.

16 15:52:58 Q Other than those tasks that you identified
17 15:52:59 for Bridda and Pollak, did they do anything else?

18 15:53:02 A No.

19 15:53:03 Q What about Greg, what was his role?

20 15:53:07 A He was MIA.

21 15:53:10 Q He didn't play any active role?

22 15:53:12 A Greg actually -- I'm going to take that

23 15:53:16 back. Greg initially took me physically to multiple

24 15:53:17 meetings. He would call attorneys, he would set up

25 15:53:22 the meetings, we would go together to meet with his

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1 S. Abdulrahim Gelardi

2 15:53:26 clients.

3 15:53:26 Q You testified at your Show Cause Hearing
4 15:53:29 that Nicholas Elefterakis trained you, correct?

5 15:53:31 A I did not. Nicholas Elefterakis never
6 15:53:35 trained me.

7 15:53:38 Q You're denying that Nicholas Elefterakis
8 15:53:39 ever trained you in any way, shape or form?

9 15:53:43 A Yes.

10 15:53:44 Q Does Nick still use IME Companions for his
11 15:53:47 law firm, Elefterakis, Elefterakis & Panek?

12 15:53:51 A No.

13 15:53:51 Q When did he stop using Companions?

14 15:53:58 A I don't recall. I want to say 2021. I'm
15 15:54:05 not sure about that.

16 15:54:07 Q Why did he stop using Companions?

17 15:54:10 A Maybe he got a better offer from Guards.

18 15:54:14 Q You don't know?

19 15:54:15 A I don't.

20 15:54:16 Q You don't know whether he's using someone
21 15:54:18 else?

22 15:54:18 A I know he's using Guards.

23 15:54:20 Q How do you know that?

24 15:54:23 A Anthony, who perished, from Elefterakis
25 15:54:26 told me that.

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1 S. Abdulrahim Gelardi

2 15:54:36 Q When you were asked at your Show Cause

3 15:54:38 Hearing, which I'm referencing on the screen,

4 15:54:41 pages 92 to 93, you were asked, How did you learn

5 15:54:45 this business? You said, You know, Nick

6 15:54:47 Elefterakis, Nick Liakis, Greg Elefterakis and other

7 15:54:50 clients as well prepped me. In the beginning it was

8 15:54:52 just the nephews. They taught me everything. They

9 15:54:57 sent me case law. They said they wanted the

10 15:54:59 advocates to do the exams, what to block, what

11 15:55:03 questions not to block, how to present ourselves,

12 15:55:05 what they wanted us to wear, even as far as

13 15:55:07 professional business attire so we were coached by

14 15:55:11 the attorney on how to use the service and how they

15 15:55:14 wanted the service to benefit them; do you see that

16 15:55:14 testimony?

17 15:55:17 A Yes, I do.

18 15:55:17 Q Are you now saying that what you said at

19 15:55:20 the Show Cause Hearing was not true with respect to

20 15:55:23 Nick Elefterakis?

21 15:55:24 A I never meant to add Nick Elefterakis into

22 15:55:28 that. Nick Elefterakis, I rarely had any

23 15:55:32 interactions with Nick Elefterakis.

24 15:55:33 Q Between the date of the Show Cause Hearing

25 15:55:34 and today's date, did you speak with Nick

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1 S. Abdulrahim Gelardi

2 15:55:37 Elefterakis?

3 15:55:40 A Speak to, no.

4 15:55:42 Q Did you speak between the Show Cause

5 15:55:44 Hearing and today's date did you speak to Nick

6 15:55:46 Elefterakis' counsel?

7 15:55:48 A No.

8 15:55:49 Q Between the Show Cause Hearing and today's

9 15:55:52 date, did you speak with an individual named Gennaro

10 15:55:54 Savastano?

11 15:55:56 A No.

12 15:56:03 Q Between the Show Cause Hearing and today's

13 15:56:04 date, did you speak with anyone on behalf of Nick

14 15:56:07 Elefterakis?

15 15:56:08 A No.

16 15:56:12 Q With respect to Nicholas Liakis, how did

17 15:56:17 he go about training you?

18 15:56:20 A I don't know if you want to call it
19 15:56:21 training. It was an informational conference call.

20 15:56:27 Q What did he say to you and what did you
21 15:56:28 say to him?

22 15:56:29 A It was conference call between him, I and
23 15:56:33 Roman. We sat in a conference room and at that
24 15:56:35 point, Greg had introduced that he was starting the
25 15:56:40 business so he wanted to -- he wanted us to know

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1 S. Abdulrahim Gelardi

2 15:56:47 what was important to him if we would represent his

3 15:56:51 clients.

4 15:56:54 Q That's the extent of him training you?

5 15:56:57 A Yes.

6 15:56:58 Q He didn't send you any case law, did he?

7 15:57:02 A He did send us case law.

8 15:57:04 Q He sent that via email?

9 15:57:06 A Correct.

10 15:57:07 MR. KATAEV: We will call for the

11 15:57:08 production of any emails between you and

12 15:57:10 Liakis, which I believe were already called for

13 15:57:13 before and we will follow up in writing.

14 15:57:14 (Counsel Request.)

15 15:57:14 BY MR. KATAEV:

16 15:57:14 Q Did Liakis tell you what questions he

17 15:57:17 wanted you to block?

18 15:57:18 A Yes.

19 15:57:20 Q Did Nicholas Elefterakis provide any

20 15:57:22 funding for IME Companions?

21 15:57:26 A No.

22 15:57:27 Q Did Nick Liakis providing any funding for

23 15:57:31 IME Companions?

24 15:57:31 A No.

25 15:57:32 Q Is Nicholas Elefterakis still using IME

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1 S. Abdulrahim Gelardi

2 15:57:34 Companions?

3 15:57:34 A No.

4 15:57:35 Q Did he use IME Companions before?

5 15:57:37 A Yes.

6 15:57:38 Q When did he stop?

7 15:57:40 A He stopped the day that Daniella Levi

8 15:57:43 added him as a defendant.

9 15:57:44 Q Did you exchange text messages with

10 15:57:44 Gregory Elefterakis?

11 15:57:51 A When?

12 15:57:52 Q At any point in time from April 2017 until

13 15:57:59 the present?

14 15:58:01 A Yes.

15 15:58:01 Q And you discussed the IME Companions with

16 15:58:06 him by text message?

17 15:58:08 A No. I believe they were all in person.

18 15:58:11 Q When you were served with this lawsuit,

19 15:58:14 did you speak to Gregory Elefterakis about this

20 15:58:17 lawsuit?

21 15:58:18 A Yes.

22 15:58:18 Q What did you two discuss?

23 15:58:22 A I'm sorry, when I first was served, no.

24 15:58:26 Q After you were served, did you ever speak

25 15:58:29 with Gregory Elefterakis about this lawsuit?

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1 S. Abdulrahim Gelardi

2 15:58:32 A No. I spoke to Greg when he was added as
3 15:58:35 a defendant.

4 15:58:36 Q What did you two discuss at that time?

5 15:58:38 A We didn't discuss anything. I just gave
6 15:58:40 him a courtesy call and stated to him that, Hey,
7 15:58:45 just a heads up, this is what's going on.

8 15:58:47 Q To your knowledge, has Gregory
9 15:58:49 Elefterakis' counsel been in contact with your
10 15:58:51 counsel?

11 15:58:52 A No.

12 15:58:58 Q Did you discuss -- withdrawn.

13 15:59:00 Did you have any conversations with
14 15:59:02 Roman Pollak about this lawsuit after March 1st,
15 15:59:05 2022?

16 15:59:06 A Yes.

17 15:59:08 Q Other than asking for an attorney, what
18 15:59:11 else did you discuss?

19 15:59:13 A Just for Roman Pollak?

20 15:59:15 Q Correct.

21 15:59:16 A Just a heads up letting him know what was
22 15:59:19 going on.

23 15:59:20 Q There was an initial phonecall in
24 15:59:21 March 2022 asking him for help and there was a
25 15:59:24 subsequent call letting him know that became a

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1 S. Abdulrahim Gelardi

2 15:59:28 defendant, correct?

3 15:59:29 A I never called Roman March 1st, 2022.

4 15:59:29 Where did you get that from?

5 15:59:30 Q I'm asking you.

6 15:59:31 A No, I did not.

7 15:59:33 Q After March 1st, 2022, did you contact him
8 15:59:36 about being served with a lawsuit?

9 15:59:39 A I only contacted Roman after he was added
10 15:59:42 as a defendant.

11 15:59:44 Q What did Roman say to you when you
12 15:59:46 notified?

13 15:59:47 A Nothing. He said, I don't know what's
14 15:59:50 going on and he asked me if I spoke to Greg. I said
15 15:59:53 I let Greg know as well.

16 15:59:55 Q What did Greg say to you when you informed
17 15:59:59 him about the fact he was added as a defendant?

18 15:59:59 A It was all confusing, no information, just
19 16:00:02 a heads up.

20 16:00:10 Q Did you have any further conversations
21 16:00:11 with either Greg or Roman?

22 16:00:14 A Just updated information. Nick was
23 16:00:19 removed, Nick was -- whatever it is. Just very
24 16:00:22 minimal communication. Just courtesy heads up.

25 16:00:29 Q Based on the information you received from

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1 S. Abdulrahim Gelardi

2 16:00:31 Adam over the course of the years between 2017

3 16:00:34 through 2022, you knew who to call to offer IME

4 16:00:42 observer services, correct?

5 16:00:44 MR. WARNER: Objection.

6 16:00:44 A No.

7 16:00:45 Q Based on the information that Adam

8 16:00:47 provided you over the years, you knew what price to

9 16:00:50 offer to customers, correct?

10 16:00:51 MR. WARNER: Objection.

11 16:00:51 A No.

12 16:00:52 Q Based on the information provided over the

13 16:00:54 years by Adam, you knew how to pay Watchdogs or

14 16:00:57 Companions, correct?

15 16:00:59 MR. WARNER: Objection.

16 16:00:59 A No.

17 16:01:00 Q Based on the information provided by Adam

18 16:01:02 over the years, you knew how to bill, correct?

19 16:01:05 MR. WARNER: Objection.

20 16:01:06 A No.

21 16:01:06 Q Based on the information provided by Adam

22 16:01:09 over the years, you knew how to draft reports?

23 16:01:12 MR. WARNER: Objection.

24 16:01:12 A No.

25 16:01:14 Q Based on the information provided by Adam

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1 S. Abdulrahim Gelardi

2 16:01:14 over the years, you knew how to instruct your

3 16:01:19 Companions on how to do their work, correct?

4 16:01:21 MR. WARNER: Objection.

5 16:01:22 A No.

6 16:01:24 Q Adam sold you everything you needed to

7 16:01:26 duplicate the IME Watchdog business, correct?

8 16:01:29 MR. WARNER: Objection.

9 16:01:30 A Adam gave me nothing to start the IME

10 16:01:33 business. I started the IME business with Greg.

11 16:01:35 All the information was just email diarrhea, that's

12 16:01:41 all it was. He didn't teach me how to run the

13 16:01:44 business, do the business, anything of the sort. He

14 16:01:46 gave me nothing to start the business.

15 16:01:51 Q You knew based on the information provided

16 16:01:52 by Adam over the years, that Subin Associates and

17 16:01:56 Elefterakis, Elefterakis & Panek were the top two

18 16:01:59 customers of IME Watchdog, correct?

19 16:02:02 MR. WARNER: Objection to form.

20 16:02:02 A No.

21 16:02:03 Q You knew based on the information provided

22 16:02:05 by Adam that those two customers combined were good

23 16:02:09 for approximately 150 IMEs a month, correct?

24 16:02:15 MR. WARNER: Objection to form.

25 16:02:15 A No.

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1 S. Abdulrahim Gelardi

2 16:02:17 Q Having those two customers for yourself

3 16:02:20 would help you get your business off the ground,

4 16:02:22 correct?

5 16:02:23 MR. WARNER: Objection to form.

6 16:02:23 A No.

7 16:02:24 Q Isn't it true that you instructed Adam

8 16:02:29 Rosenblatt to purposely sabotage client

9 16:02:30 relationships with IME Watchdogs so you can call and

10 16:02:34 get them?

11 16:02:35 MR. WARNER: Objection to form.

12 16:02:35 A No.

13 16:02:36 Q Isn't it true that you would tell Carlos

14 16:02:38 that certain customers were vulnerable so he can

15 16:02:40 quickly get them?

16 16:02:42 MR. WARNER: Objection to form.

17 16:02:43 A No.

18 16:02:47 Q Isn't it true that you told Adam

19 16:02:49 Rosenblatt not to accept last-minute independent

20 16:02:51 medical exams?

21 16:02:53 MR. WARNER: Objection to form.

22 16:02:54 A No.

23 16:02:56 Q Isn't it true that Adam helped you cover

24 16:02:59 last-minute IMEs?

25 16:03:02 A Adam referred his independent Watchdog

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1 S. Abdulrahim Gelardi

2 16:03:06 interpreters.

3 16:03:06 Q Isn't it true that you told Adam to submit

4 16:03:11 reports late so that you could get customers by

5 16:03:13 saying that you submit reports on time?

6 16:03:16 MR. WARNER: Objection to form.

7 16:03:16 A No.

8 16:03:16 Q Isn't it true that you told Adam he should

9 16:03:19 overbill so that you can obtain customers and not

10 16:03:23 overbill them?

11 16:03:24 MR. WARNER: Objection to form.

12 16:03:25 A No.

13 16:03:26 Q When you wanted to purchase the domain

14 16:03:27 name, IME Companions, you realized that that name

15 16:03:30 was already taken, correct?

16 16:03:32 A No.

17 16:03:34 Q You contacted Adam and demanded that he

18 16:03:36 give you the domain name IMECompanions.com, correct?

19 16:03:41 A No.

20 16:03:41 Q You offered him \$2,500 for the domain name

21 16:03:45 IME Companions, correct?

22 16:03:47 A Absolutely untrue.

23 16:03:50 Q You threatened Adam that he could go to

24 16:03:52 jail for selling the confidential and proprietary

25 16:03:56 trade secrets he sold to you, correct?

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1 S. Abdulrahim Gelardi

2 16:03:58 A No.

3 16:03:59 Q You informed Adam that Daniella Levi would
4 16:03:59 fire him when she found out that he worked with you,
5 16:04:06 correct?

6 16:04:07 A No.

7 16:04:44 Q You testified on page 19 of your Show
8 16:04:47 Cause Hearing that -- on the Show Cause Hearing date
9 16:05:01 on pages 19 through 20 of the transcript, your
10 16:05:05 attorney stated the following in open court. He
11 16:05:12 says, "it," but he's referring to the domain name.

12 16:05:14 The domain name was purchased by
13 16:05:14 Mr. Rosenblatt because he was upset, sorry, Adam
14 16:05:20 Rosenblatt, because he was upset. It's our client's
15 16:05:21 company name minus an S, so he knew we were
16 16:05:25 IME Companions and you will hear, the evidence will
17 16:05:27 show, Safa called for a law firm they were typing in
18 16:05:30 the wrong, they were leaving off the S and the
19 16:05:33 client was going to Watchdogs and the client was
20 16:05:34 asking Ms. Gelardi what's going on, I keep trying to
21 16:05:37 book an appointment with you but it keeps going to
22 16:05:40 Watchdog. That's when we found out about this other
23 16:05:43 domain. It's called Cybersquad. There was no
24 16:05:44 legitimate business purpose for her to open a
25 16:05:44 website. I don't believe it was Ms. Levi, I believe

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2 16:05:44 it was Mr. Rosenblatt. Safa did talk to him about
3 16:05:52 that. She may have threatened him, but she didn't
4 16:05:55 pay. There was no money in that. She may have
5 16:05:58 said, look, release my domain and I believe he did
6 16:05:59 very shortly. There was no money exchanged for
7 16:06:04 that.

8 16:06:04 Do you see that?

9 16:06:05 A Correct, but I believe Mr. Siegler
10 16:06:05 wasn't -- not 100 percent correct in his statement.

11 16:06:10 Q Did you or did you not threaten Adam to
12 16:06:14 give up the domain name?

13 16:06:17 A IME Companions was already established.
14 16:06:19 Adam, what he did was buy IME Companion.
15 16:06:26 IME Companions was already established and running.

16 16:06:31 Q You also enlisted Ronald Rosenblatt to
17 16:06:34 help you by demanding that he instruct Adam to
18 16:06:37 comply with your requests or else you would not
19 16:06:39 finance your business partnership with Ronald,
20 16:06:42 correct?

21 16:06:43 A Oh my God, no.

22 16:07:04 Q You testified on April 4, 2022 at the Show
23 16:07:09 Cause Hearing on page 42 of the transcript that you
24 16:07:14 threatened Adam once and that was to release his
25 16:07:16 domain, you never threatened him after that?

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2 16:07:20 MR. WARNER: Release my domain, not his

3 16:07:23 domain, my domain.

4 16:07:25 BY MR. KATAEV:

5 16:07:26 Q Is that testimony true?

6 16:07:27 A Yes.

7 16:07:28 Q What is it that you threatened him with?

8 16:07:32 A I just threatened him to release the

9 16:07:33 domain now. He's playing games. I started

10 16:07:35 IME Companions, he bought IME Companion, and then he

11 16:07:41 routed it to IME Watchdog so I told him, You better

12 16:07:45 release it.

13 16:07:47 Q What was the threat for -- withdrawn.

14 16:07:51 What exactly did you threaten him

15 16:07:52 with when you threatened him?

16 16:07:56 A I just threatened him to release it.

17 16:07:58 Q You said to him, If you don't release than

18 16:08:01 what?

19 16:08:01 A I didn't give a specific threat. I said,

20 16:08:04 You better release it now. There was no or.

21 16:08:10 Q You made a general unqualified threat?

22 16:08:12 A I made a general threat that he better

23 16:08:14 stop playing games and release it.

24 16:08:18 Q And it worked?

25 16:08:19 A He's afraid of his own shadow.

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2 16:08:22 Q Isn't it true that you texted Adam

3 16:08:26 multiple times a day with questions about how to

4 16:08:28 handle day-to-day issues that popped up for IME

5 16:08:30 Companions?

6 16:08:30 A I asked Adam question. I had not texted

7 16:08:33 him on a daily basis to ask him -- no.

8 16:08:44 MR. WARNER: How much time do you have

9 16:08:44 more?

10 16:08:47 MR. KATAEV: I don't have a lot more.

11 16:08:48 MR. WARNER: We are a half an hour past

12 16:08:50 your deadline.

13 16:08:51 MR. KATAEV: I'm going to finish shortly.

14 16:08:52 There is nothing here.

15 16:08:59 MR. WARNER: Okay.

16 16:08:59 BY MR. KATAEV:

17 16:09:16 Q Fair to say, isn't it, that you derived a

18 16:09:18 significant financial benefit from the information

19 16:09:21 obtained from IME Watchdog, correct?

20 16:09:24 A Repeat that, Mr. Kataev.

21 16:09:26 MR. KATAEV: Read it back, please.

22 16:09:26 (Whereupon, the referred to question was read back

23 16:09:26 by the court reporter.)

24 16:09:46 A I derived nothing from IME Watchdog. No

25 16:09:50 benefit from any information that Adam sent.

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2 16:09:58 Q Other than this group, do you belong in

3 16:10:02 any other trade or business organizations related to

4 16:10:05 IME Companions?

5 16:10:05 A Currently?

6 16:10:07 Q Yes.

7 16:10:08 A I believe the New Jersey -- I forgot the

8 16:10:14 name of it.

9 16:10:17 Q Can you provide any evidence or documents

10 16:10:18 or do you have any evidence or document that

11 16:10:21 supports your defense against the allegations in the

12 16:10:22 complaint?

13 16:10:24 MR. WARNER: Objection to form.

14 16:10:27 A I do.

15 16:10:28 Q What are those documents?

16 16:10:30 A Do I need to respond?

17 16:10:35 MR. WARNER: As best you can. Objection

18 16:10:36 to form.

19 16:10:37 A I don't know. I have to look. I know I

20 16:10:38 have my own defense and I know I did nothing wrong.

21 16:10:43 MR. KATAEV: To the extent that you have

22 16:10:44 any documents that support your defense, we

23 16:10:46 will call for the production of all such

24 16:10:48 documents.

25 16:10:49 (Counsel Request.)

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2 16:10:49 BY MR. KATAEV:

3 16:10:50 Q Can you think of one example of one type
4 16:10:52 of document that would support your defense?

5 16:10:55 MR. WARNER: Objection to form. Calls for
6 16:10:56 a legal conclusion. You can answer.

7 16:10:58 A I will answer that. In regards, for
8 16:11:02 example, to the franchise, Adam reached out to Tom,
9 16:11:05 Tom spoke to Adam, they already agreed he was going
10 16:11:09 to buy a franchise. None of this is a lie.

11 16:11:13 Q So the fact that Adam reached out to
12 16:11:16 someone about a franchise somehow supports your
13 16:11:18 defense that you didn't steal this information?

14 16:11:21 MR. WARNER: Objection to form. What
15 16:11:23 information?

16 16:11:24 Q The information obtained from IME
17 16:11:26 Watchdog.

18 16:11:27 A All the information from IME Watchdog was
19 16:11:30 voluntarily sent with no request.

20 16:11:36 Q Do you have any process to protect your
21 16:11:46 confidential information at IME Companions?

22 16:11:49 MR. WARNER: Objection to form.

23 16:11:50 A Confidential information like what,
24 16:11:52 Mr. Kataev?

25 16:11:53 Q Your customer information.

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2 16:11:56 A Do I have anything?

3 16:11:58 Q Do you have any way of protecting that
4 16:12:00 information and what do you do to protect it?

5 16:12:03 A I don't do anything to protect it.

6 16:12:12 MR. KATAEV: Give me a quick break. I
7 16:12:13 will confirm if I have any last questions.

8 16:12:16 MR. WARNER: Sure.

9 16:12:18 THE VIDEOGRAPHER: The time is 4:12 p.m.
10 16:12:22 We are going off the record.

11 16:12:26 (Whereupon, an off-the-record discussion was held.)

12 16:14:38 THE VIDEOGRAPHER: The time is 4:14 p.m.
13 16:14:46 We are back on the record.

14 16:14:50 BY MR. KATAEV:

15 16:14:51 Q Ms. Gelardi, it's your testimony today and
16 16:14:53 yesterday that Adam Rosenblatt largely voluntarily
17 16:14:56 provided you all the information that you obtained,
18 16:14:59 correct?

19 16:15:00 A Yes.

20 16:15:00 Q But notwithstanding the fact that you
21 16:15:03 voluntarily -- that Adam voluntarily provided it to
22 16:15:06 you, you nonetheless used that information, correct?

23 16:15:09 A I did not use it.

24 16:15:11 Q You sent it to Carlos to use that
25 16:15:12 information, correct?

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2 16:15:14 A I forwarded information.

3 16:15:16 Q You otherwise researched the information
4 16:15:18 that Adam sent you, correct?

5 16:15:20 A No.

6 16:15:25 Q You also sent that information to other
7 16:15:27 individuals such as your accountant, correct?

8 16:15:33 A Again, I sent it to my accountant to see
9 16:15:36 if he's ever come across a business like this.

10 16:15:40 MR. KATAEV: Move to strike as
11 16:15:41 nonresponsive.

12 16:15:42 Q You sent it to your accountant, correct?

13 16:15:44 A Yes.

14 16:15:44 Q You also sent it to Roman Pollak, correct?

15 16:15:47 A Correct.

16 16:15:49 Q If one of your employees --

17 16:16:00 A I don't have any employees.

18 16:16:02 Q Withdrawn.

19 16:16:02 If one of the individuals that
20 16:16:04 performed services for IME Companions took your
21 16:16:07 customer information and other confidential
22 16:16:09 information such as your profit and loss statement
23 16:16:10 and other similar information and gave it to a
24 16:16:14 competing company, how would you feel about that?

25 16:16:18 MR. WARNER: Objection to form. You can

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16:16:19 answer.

16:16:20 A I would be angry and I would fire them.

16:16:31 Q And would you do anything with respect to
16:16:34 the company that received that information?

16:16:38 MR. WARNER: Objection to form.

16:16:40 A Answer?

16:16:41 MR. WARNER: If you can.

16:16:41 A I don't believe I would.

16:16:44 MR. KATAEV: Okay, Ms. Gelardi, thank you
16:16:45 for your time today and yesterday. I have no
16:16:48 further questions.

16:16:49 MR. WARNER: Thank you very much.

16:17:00 MR. SHALIT: We are going renoteice
16:17:02 pursuant to my agreement with Mr. Warner.

16:17:09 THE VIDEOGRAPHER: This concluded today's
16:17:10 deposition of Safa Abdulrahim Gelardi. The
16:17:11 time is 4:17 p.m. We are off the record.

16:17:17
16:17:17 (Time noted: 4:17 p.m.)

Subscribed and sworn to before me this ____ day
of _____ 2023.
_____, Notary Public.

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Attorney Kataev has retained all exhibits.

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C E R T I F I C A T I O N

I, RUTHAYN SHALOM, a Court Reporter
and Notary Public within and for the State
of New York, do hereby certify:

That the witness whose deposition
is hereinbefore set forth, was duly sworn
by me, and that the within transcript is a
true record of the testimony given by such
witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of February, 2023.


RUTHAYN SHALOM

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ERRATA SHEET

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DATE OF DEPOSITION: February 3, 2023
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17	____/____/____	____/____	____/____

SAFA ABDULRAHIM GELARDI

Subscribed and sworn to before me
this ____ day of _____, 2023
_____, Notary Public.

MY COMMISSION EXPIRES:

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